

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Richard Sean Harley, #213262,) C/A No. 4:17-409-TMC-TER
vs.)
Plaintiff,)
vs.) ORDER
Timothy Riley,)
David Utley,)
Defendants.)

This case is before the Court because of Plaintiff's failure to comply with the magistrate judge's orders of February 23, 2017, and March 22, 2017. (ECF Nos. 6 and 11). A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be subject to dismissal. The Court has not received any response from Plaintiff and the time for his compliance has passed. The mail, in which the second order was sent to Plaintiff at the address provided by Plaintiff, has been returned to the court as undeliverable.

However, the first order, which was not returned, ordered Plaintiff:

...to always keep the Clerk of Court advised in writing (Post Office Box 2317, Florence, South Carolina 29503) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this Court, your case may be dismissed for violating this Order. Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address...

(ECF No. 6). Plaintiff did not notify the Clerk of any address changes. Plaintiff has neglected to comply with the orders within the time permitted under the orders.

Plaintiff's lack of response indicates an intent to not prosecute this case, and subjects this case to dismissal. *See Fed. R. Civ. P. 41(b)*(district courts may dismiss an action if a Plaintiff fails

to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss *sua sponte*).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

April 14, 2017
Anderson, South Carolina

s/Timothy M. Cain
The Honorable Timothy M. Cain
United States District Judge