

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Jamarriel Ferrell, #344628,	)	C/A No. 4:17-831-JFA-TER
	)	
Plaintiff,	)	
	)	ORDER
vs.	)	
	)	
Warden Willie Eagleton,	)	
A.W. Annie Sellars,	)	
Deputy Director Michael McCall,	)	
Director Bryan Stirling,	)	
Lt. Gary Martin	)	
	)	
Defendants.	)	
_____	)	

This case is before the Court because of Plaintiff’s failure to comply with the magistrate judge’s Order of June 29, 2017. (ECF No. 35). The court authorized service upon Defendant Martin on May 16, 2017. However, the summons for Defendant Martin was returned unexecuted stating there was no employee by that name. A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into proper form for service of the remaining Defendant Martin within twenty-one days of the order, and specifically informed Plaintiff that if he failed to do so, this case would be subject to dismissal.

The mail in which the Order was sent to Plaintiff’s provided address has not been returned to the court, thus it is presumed that Plaintiff received the Order, but has neglected to comply with it within the time permitted under the Order. The Court has not received any response from Plaintiff and the time for his compliance has passed.

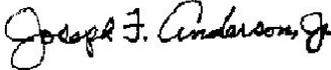
Plaintiff’s lack of response to the Order indicates an intent to not prosecute this case, and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th

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.

July 25, 2017  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge