

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Michael Frasier, #215880,)	C/A No. 4:20-2441-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
State of South Carolina)	
)	
Defendant.)	
)	

This is an action filed by state prisoner. This case is before the Court due to Plaintiff's failure to comply with the Magistrate Judge's Order. ECF No. 5. The order was not returned as undeliverable.

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 the Order within the time permitted. The Court has not received a response from Plaintiff and the time for compliance has lapsed. A review of the record indicates that the Magistrate Judge specifically informed Plaintiff that if he failed to comply with the Order, this case would be subject to dismissal.

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.

s/ Donald C. Coggins, Jr.
United States District Judge

August 3, 2020
Spartanburg, South Carolina