

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Charles M. Dominick,)	C/A No. 5:13-cv-02636-JFA-KDW
)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
)	
Leroy Cartledge, Warden,)	
)	
Respondent.)	
)	
)	
)	

Petitioner, proceeding pro se brought this action seeking habeas corpus relief under 28 U.S.C. § 2254. Respondent filed a Motion for Summary Judgment on January 22, 2014. ECF No. 33. As Petitioner is proceeding pro se, the court entered an order on January 23, 2014, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 36. Petitioner was informed that his response was due by February 27 2014, and was specifically advised that if he failed to respond adequately, Respondent’s motion may be granted, thereby ending his case. On February 18, 2014, the court granted Petitioner’s Motion for Extension of Time to respond to Respondent’s summary judgment motion. ECF No. 43. Petitioner was advised that his response to Respondent’s summary judgment motion was due by March 20, 2014. *Id.*

Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Petitioner has failed to respond. As such, it appears to the court that

Petitioner does not oppose the motion and wishes to abandon his action against Respondent. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent's Motion for Summary Judgment by **April 14, 2014**. Petitioner is further advised that if he fails to respond, this action against Respondent will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

March 27, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge