

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Darren Simmons,) C/A No. 5:13-cv-02754-RMG-KDW
)
)
Plaintiff,)
)
v.) ORDER
)
)
William R. Byars, Jr., Corporal Marvin)
Bryant, Off Derrick Ford, Lt Richard)
Jenkins, Nurse Alicia Thompson, Dr.)
Thomas E. Bryne, Warden John R. Pate,)
Ann Hallman, Major Walter Worick, IGC)
Ms Pam Smith, Pamela C Derrick, John)
Tomarchio, Officer Frazier, A/W Randell)
Williams, Officer Ms Sgt Rivers Smith,)
Correctional Officer Mr Felder, Officer Mr)
Davis, Officer Ms Drayton, Lt Jenkins, Sgt)
Cohen, Ms Verlenda Henderson, Ms E)
Delaney, Ms Archie, Sgt A DeLoach,)
)
Defendants.)
_____)

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On July 14, 2014, Defendants Byrne, Derrick, Thompson, and Tomarchio filed a Motion for Summary Judgment. ECF No. 168. Because Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file adequate responses. ECF No. 169. Plaintiff was specifically advised that if he failed to respond adequately, the Defendants' Motion may be granted, thereby ending this case against them.

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

that he does not oppose the Motion and wishes to abandon this action against these Defendants. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendants' Motion for Summary Judgment by **September 22, 2014**. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice against Defendants Byrne, Derrick, Thompson, and Tomarchio 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.

August 22, 2014
Florence, South Carolina

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

Kaymani D. West
United States Magistrate Judge