

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Bernadette Treadway,)	C/A No. 5:15-cv-02913-GRA-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Florence County Detention Center;)	
Lieutenant Carr;)	
Javonnia Rouse;)	
Erica Ford;)	
Josephine Burgess;)	
Kenny Boone;)	
Constable Kain;)	
Brigett Jackson;)	
Eli Issac;)	
Lieutenant Clint Caldwell ,)	
)	
Defendants.)	
)	

This case is before the court because of Plaintiff’s failure to comply with Magistrate Judge Kaymani D. West’s Order of August 27, 2015. ECF No. 13.

A review of the record indicates that Magistrate Judge West ordered Plaintiff to submit items needed to render this case into proper form (completed complaint form; filing fee or IFP motion; service documents for all Defendants) within twenty-one days, and specifically informed Plaintiff that if she failed to do so, this case would be dismissed *without prejudice*. The court has not received any response from Plaintiff and the time for her compliance has passed.

The mail in which the Order was sent to Plaintiff at the address provided when the case was filed 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.

Plaintiff's lack of response to the Order indicates intent to not continue prosecuting 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 "any 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.¹

IT IS SO ORDERED.



G. Ross Anderson, Jr.
Senior United States District Judge

October 6, 2015
Anderson, South Carolina

¹ Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does not count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, she should obtain new forms for doing so from the Clerk's Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.
