

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

Danny Eugene Saunders,

Plaintiff

v.

Officer Hicks,

Defendant.

C/A. No. 5:15-4438-CMC

Opinion and Order

This matter is before the court on Plaintiff's *pro se* complaint filed pursuant to 42 U.S.C. §1983 on October 30, 2015. ECF No. 1. On January 18, 2017, this court denied Defendant's summary judgment motion on Plaintiff's excessive force claim against Defendant Hicks in his individual capacity, and set a pre-trial conference. ECF No. 75. The pre-trial conference was held on February 21, 2017, with Plaintiff in attendance by video conference. See ECF No. 83. A jury selection and trial date were scheduled for April 12 based on Plaintiff's advice of his impending release from the South Carolina Department of Corrections ("SCDC") on March 31, 2017. Plaintiff was ordered by the court to notify the court and counsel for Defendant of his home address (where mail could reach him after his release) by March 15, 2017. However, Plaintiff has failed to contact the court or provide any change in address to the court or to counsel for Defendant. The Clerk of Court has advised that, according to SCDC records, Plaintiff was released from custody on or about March 31, 2017.

Plaintiff has failed to notify the court of his current address; therefore, the court has no way of contacting him regarding his case. It appears Plaintiff does not intend to prosecute this §1983 action. The court has cancelled the jury selection and trial scheduled for April 12. This matter

will be held in abeyance for 21 days. If Plaintiff fails to contact the court by May 2, 2017, this case will be dismissed without prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
April 11, 2017