UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Marion C. Mazzell, #304031, Plaintiff, vs. Dr. Barry Weissglass; Dr. John Doe Bush, and Dr. T. Jacobs, Defendants.	)	C/A No. 5:15-cv-04754-RMG ORDER

This case is before the court because of Plaintiff's failure to comply with the magistrate judge's Order of December 30, 2015. ECF No. 8.

A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. The court has not received any response from Plaintiff and the time for his compliance has passed.

The mail in which the Order was sent to Plaintiff at the address provided when the case was filed was returned to the court marked undeliverable. ECF No. 10. Thus, it appears that Plaintiff was released from confinement after this case was filed, but before he received the court's initial Order. No forwarding address was provided on the returned envelope, and Plaintiff has not provided a current address for himself. Additionally, a search of both the South Carolina Department of Corrections' and the Federal Bureau of Prison's internet websites inmate locators did not show Plaintiff as a prisoner in either of those systems.

Plaintiff's lack of response to the Order and his failure to provide the court with a current address after release from the custody of Charleston County indicates an intent to not continue prosecuting this case, and subjects it 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.

January 25, 2016
Charleston, South Carolina

Richard M. Gergel
United States District Judge

[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, he should obtain new forms for doing so from the Clerk's Office in Columbia (**901 Richland Street, Columbia, South Carolina 29201**).

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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.

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