

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

Christopher West,)	C/A No: 5:16-cv-00984-DCN-KDW
)	
Plaintiff,)	
)	
v.)	
)	
Director Bryan Stirling; Dennis)	
Patterson; Ruby Brockenberry; Willie)	ORDER
Eagleton; Ann Hallman; Amy Smith;)	
Yolanda Miller; Annie Sellers; Damon)	
Clark; Thomas Ocean; James Baskins;)	
Lucius Miles; Charles West; Freddie)	
Maddox; Officer Lee; Benjamin Stubs; and)	
Ethel Redfearn-Miller,)	
)	
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 June 27, 2016, Defendants other than Baskins and Lee filed a Motion to Dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure. ECF No. 29. Also on that date, Defendants Baskins and Lee filed a Rule 12 Motion to Dismiss, alleging they had not been properly served. ECF No. 28. On July 26, 2016, defense counsel withdrew the Motion to Dismiss based on allegedly improper service as to Baskins, ECF No. 38, advising the June 27, 2016 Motion to Dismiss based on improper service, ECF No. 29, remained pending as to Defendant Lee only. Also on July 26, 2016, Baskins filed a Motion to Dismiss pursuant to Rule 12, making several non-service-based arguments. ECF No. 39.


Upon the filing of these pending motions to dismiss—ECF No. 28 (Lee); ECF No. 29 (all Defendants other than Baskins and Lee); and ECF No. 39 (Baskins)—the court issued orders

advising Plaintiff of the importance of such motions and of the need for him to file adequate responses pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975). ECF No. 33. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' Motions may be granted, thereby ending this case. In a Motion filed on August 3, 2016, Plaintiff requested an additional 60 days within which to respond to the pending dispositive motions. ECF No. 44. The court granted Plaintiff's request, advising him his responses to all of these Motions were due no later than September 30, 2016. ECF No. 45.

The extended deadline by which Plaintiff was to respond to these motions has passed, and notwithstanding the specific warning and instructions set forth in the court's *Roseboro* Orders, ECF Nos. 30, 41, Plaintiff has failed to respond to Defendants' Motions. As such, it appears to the court that Plaintiff does not oppose these Motions and wishes to abandon this action against all 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' Motions to Dismiss by **October 21, 2016**. Plaintiff is further advised that if he fails to respond, this action 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.

October 6, 2016
Florence, South Carolina


Kaymani D. West
United States Magistrate Judge