

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Phillip Yarbrough,)	C/A No. 5:16-2924-HMH-KDW
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
)	
Charles Wright;)	
Neal Urch;)	
Ashley McCann, and)	
L. Blackwell,)	
)	
Defendants.)	
)	

This case is before the court because of Plaintiff’s failure to comply with the magistrate judge’s Order of November 17, 2016. ECF No. 17.

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 undelivered, indicating that Plaintiff failed to provide this court with updated address information.

Plaintiff’s lack of response to the Order and his failure to provide updated mailing address information 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 Choice Hotels Int’l, Inc. v. Goodwin & Boone*, 11

F.3d 469, 471-72 (4th Cir. 1993) (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.

Greenville, South Carolina
December 20, 2016

s/Henry M. Herlong, Jr.
Senior United States District Judge

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.

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**).