

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF SOUTH CAROLINA

GREENVILLE DIVISION

Bidzirk, LLC, Daniel Schmidt, III, )  
and Jill Patterson, )

Plaintiffs, )

vs. )

Philip J. Smith, )

Defendant. )

Civil Action No. 6:06-0109-HMH-WMC

**ORDER**

The defendant is proceeding in this action *pro se*. On January 15, 2007, the plaintiff filed a motion for summary judgment. By order of this court filed January 16, 2007, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the defendant was advised of the summary judgment procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the defendant elected not to respond to the motion.

As the defendant has failed to respond to the motion for summary judgment, it appears to the court that he no longer wishes to contest this action. Therefore,

IT IS ORDERED that the defendant shall have through April 26, 2007, to file his response to the motion for summary judgment. The defendant is advised that if he fails to respond, judgment will be entered against him in this case. *Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978).

IT IS SO ORDERED.

s/William M. Catoe  
United States Magistrate Judge

April 2, 2007

Greenville, South Carolina