

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

James Leonard Greene, Jr.,) C/A No. 6:09-3002-JFA-WMC
)
Plaintiff,)
)
vs.)
) ORDER
)
Georgetown County Detention Center;)
Chief Schwartz;)
Capt Wineglass;)
Officer Standly;)
Sheriff Lane Cribb;)
Georgetown Sheriff Department, and)
Joanne Clary,)
)
Defendants.)

This matter is before the Court because of Plaintiff’s failure to comply with the magistrate judge’s Orders of November 30, 2009 (Entry 8) and January 4, 2010. (Entry 17).

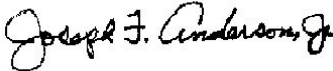
A review of the record indicates that the magistrate judge initially ordered Plaintiff to submit items needed to render this case into proper form within twenty days, and specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. The mail in which the initial Order was sent to Plaintiff at the address provided when the case was filed was not returned to the Court, thus it is presumed that Plaintiff received the Order, but neglected to comply with it within the time permitted under the Order. Out of an abundance of caution, a second and “final” Order was mailed to Plaintiff at the same address. The time for his compliance was extended for an additional twenty-one days. The mail in which the second Order was sent was returned to the Court undelivered and a telephone call to the detention center where Plaintiff indicated he was housed disclosed that there was not, nor had there been within a recent period of time, a detainee named “James Leonard Greene, Jr.” at the center. A search of the South Carolina Department of Corrections’ and Federal Bureau of Prisons’ internet inmate locators did not find Plaintiff in any of the those institutions.

Plaintiff's lack of response to the initial Order and his failure to provide the Court with a new address if he was released from the detention center indicates an 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 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.

February 5, 2010
Columbia, South Carolina


Joseph F. Anderson, Jr.
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).