

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Matthew Ritchie,

Plaintiff,

vs.

Lexington County, and
Lexington County Food Service Providers,

Defendants.

) C/A No. 8:10-1321-HMH -BHH

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Order

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This matter is before the Court because of Plaintiff's failure to comply with the initial Order issued in this case on May 18, 2010. (Entry 1).

A review of the record indicates that Plaintiff was ordered to submit items needed to render this case into proper form within twenty days, and the Order specifically informed Plaintiff that if he failed to do so, this case would be dismissed *without prejudice*. The mail in which the Order was sent to Plaintiff at the address provided when the case was filed has not been returned to the Court marked "not deliverable, thus it is presumed that Plaintiff received the Order, but declined to respond. Plaintiff's failure to respond to the Court's Order 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.

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

June 21, 2010
Greenville, South Carolina

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).