



records and has been unable to obtain a new address for Plaintiff or verify Plaintiff's current location. Plaintiff's counsel believes Plaintiff no longer resides in the United States.

It is solely through Plaintiff's neglect, and not that of his attorney, that this action has not proceeded. Plaintiff has been specifically warned that a failure to respond to the motion to dismiss could result in the motion being granted. Because Plaintiff has failed to file any response to his attorney's inquiries or to the motion to dismiss, it appears the Plaintiff no longer wishes to pursue this action. Therefore, the court concludes that this action should be dismissed pursuant to Fed.R.Civ.P. 41(b) for failure to prosecute. No other reasonable sanctions are available.

Accordingly, **IT IS ORDERED** that this action is **DISMISSED** with prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4<sup>th</sup> Cir. 1989).

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Andreson, South Carolina  
May 10, 2013

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.