

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

|  |   |   |
|--|---|---|
| Gerald Porter,                         | ) | Civil Action No.: 8:15-cv-03584-MGL-JDA |
|  | ) |   |
| Petitioner,                            | ) |   |
|  | ) | <b><u>ORDER</u></b>                     |
| vs.                                    | ) |   |
|  | ) |   |
| L. R. Thomas, <i>Warden of Federal</i> | ) |   |
| <i>Prison Camp Edgefield,</i>          | ) |   |
|  | ) |   |
| Respondent.                            | ) |   |

Petitioner brought this action seeking relief pursuant to 28 U.S.C. § 2241. [Doc. 1.] On May 18, 2017, Respondent filed a motion to dismiss for lack of jurisdiction. [Doc. 34.] On May 19, 2017, by Order of this Court, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), Petitioner was advised of the summary judgment/dismissal procedure and the possible consequences if he failed to respond adequately. [Doc. 38.] Despite this explanation, Petitioner elected not to respond to the motion.

As Petitioner has failed to respond to the motion to dismiss, it appears to the Court that he wishes to abandon this action. Therefore,

IT IS ORDERED that Petitioner shall have through July 13, 2017, to file his response to the motion to dismiss. Petitioner is advised that if he fails to respond, this action will be subject to dismissal for failure to prosecute pursuant to Fed. R. Civ. P. 41(b), and for failure to comply with this Court’s orders, 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 (4th Cir. 1989). The dismissal will be considered an adjudication on the merits, i.e., *with prejudice*.

IT IS SO ORDERED.

s/Jacquelyn D. Austin  
United States Magistrate Judge

June 23, 2017  
Greenville, South Carolina