

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Edmund Cokley, # 329981,

) C/A No. 9:11-2596-RMG

)

)

Plaintiff,

)

)

vs.

)

**ORDER**

)

Major Sharpe;

)

Captain Kelley;

)

Cpt. Coleman;

)

Capt. Angela Brown;

)

Lt. June;

)

Seargent Castillo;

)

Sgt. Heneken;

)

Sgt. Jones;

)

Sgt. Toney;

)

Sgt. Harris;

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Sgt. Epps;

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Corpal Taft;

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Cpl. Farmer;

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Cpl. Kelley;

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Officer Epps;

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Officer Pompey,

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)

Defendants.

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This is a civil rights action filed by a state prisoner. Therefore, in the event that a limitations issue arises, Plaintiff shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). This matter is before the Court because of Plaintiff's failure to comply with the magistrate judge's order (ECF No. 7) of September 29, 2011. A review of the record indicates that

the magistrate judge ordered Plaintiff to submit the items (a Financial Certificate, a summons, and Forms USM-285) needed to render this case into “proper form” within twenty-one (21) days, and that if he failed to do so, this case would be dismissed *without prejudice*. Plaintiff has failed to respond to the magistrate judge’s order.

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.\*

IT IS SO ORDERED.

October 26, 2011  
Charleston, South Carolina



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Richard M. Gergel  
United States District Judge

#### NOTICE OF RIGHT TO APPEAL

Plaintiff is, hereby, notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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\*Under the General Order (Misc. No. 3:07-MC-5014-JFA) filed on September 18, 2007, 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).