

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DOUGLAS DELLINGER,)	
Plaintiff,)	Civil Action No. 7:15cv00233
)	
v.)	
)	By: Elizabeth K. Dillon
HAROLD CLARKE, <i>et al.</i> ,)	United States District Judge
Defendants.)	

MEMORANDUM OPINION

Plaintiff Douglas Dellinger, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 on May 19, 2015. The defendants filed a second motion for summary judgment arguing that Dellinger’s claims are now moot, and the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005), on June 13, 2016. The notice gave Dellinger twenty-one days to file a response to the motion and advised him that, if he did not respond, the court would “assume that plaintiff has lost interest in the case, and/or that plaintiff agrees with what the defendant[s] state[] in their responsive pleading(s).” The notice further advised Dellinger that, if he wished to continue with the case, it was “necessary that plaintiff respond in an appropriate fashion,” and that if he failed to file some response within the time allotted, “the court may dismiss the case for failure to prosecute.” Dellinger did not respond to the motion for summary judgment. Therefore, Dellinger’s complaint will be dismissed without prejudice for failure to prosecute.

An appropriate order will be entered.

Entered: July 13, 2016.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge