

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

<b>JAMES B. MURPHY,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 7:19cv00319</b>
	)	
<b>v.</b>	)	<b><u>MEMORANDUM OPINION</u></b>
	)	
<b>SOUTHWEST REGIONAL</b>	)	
<b>JAIL AUTHORITY, <u>et al.</u>,</b>	)	<b>By: Michael F. Urbanski</b>
<b>Defendants.</b>	)	<b>Chief United States District Judge</b>

Plaintiff James B. Murphy, a Virginia inmate proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. On June 28, 2019, defendant Medico Medical filed a motion to dismiss and, on July 1, 2019, the court issued a notice pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 2005). See ECF Nos. 17 and 19. On August 5, 2019, defendants Light, Montgomery, Parks, and Southwest Regional Jail Authority filed motions to dismiss and for summary judgment, and on August 6, 2019, the court issued a notice pursuant to Roseboro. See ECF Nos. 27, 29 and 31. On August 22, 2019, defendant Flanary filed motions to dismiss and for summary judgment, and on August 23, 2019, the court issued a notice pursuant to Roseboro. See ECF Nos. 34, 35, and 36. Each Roseboro notice gave Murphy twenty-one days to file a response to the motions 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).” See ECF Nos. 19, 31, and 36. The notice further advised Murphy 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.” Id. On August 23, 2019, Murphy filed a motion for an extension of time to respond to the motion for summary judgment of defendants Light, Montgomery, Parks, and Southwest Virginia Regional Jail

Authority. See ECF No. 37. The court granted the motion and gave him an additional twenty-one days to respond. See ECF No. 38. Murphy did not respond to any of the motions filed by defendants. Therefore, the court will dismiss Murphy's complaint without prejudice for failure to prosecute.

**ENTER:** This 30<sup>th</sup> day of September, 2019.

*/s/ Michael F. Urbanski*  
Chief United States District Judge