

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

GARY WALL,)	
)	
Plaintiff,)	Civil Action No. 7:21cv00052
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
MARK E. ENGELKE, <i>et al.</i> ,)	By: Hon. Thomas T. Cullen
)	United States District Judge
Defendants.)	

Plaintiff Gary Wall, a Virginia inmate proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On September 6, 2022, the defendants filed a motion for summary judgment, and on September 7, 2022, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 34–36.) The *Roseboro* notice gave Wall 21 days to file a response to the motion for summary judgment and advised him that, if he did not respond to the defendants’ motion, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their responsive pleading(s).” (*See* ECF No. 36.) The notice further advised Wall 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 a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*) Wall did not respond to the defendants’ motion and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The clerk is directed to send copies of this Memorandum Opinion and Order to Wall.

ENTERED this 5th day of October, 2022.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE