

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

ANTONIO HAWKINS, )
Plaintiff, ) Civil Action No. 7:21cv00309
v. ) MEMORANDUM OPINION
LT. LAMBERT, et al., ) By: Hon. Thomas T. Cullen
Defendants. ) United States District Judge

Plaintiff Antonio Hawkins, a Virginia inmate proceeding pro se, filed this civil action under 42 U.S.C. § 1983. On August 17, 2022, the defendants filed a motion for summary judgment, and, on August 18, 2022, the court issued a notice pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 2005). (See ECF Nos. 23 & 24.) The Roseboro notice gave Hawkins 21 days to file a response to the motion for summary judgment and advised him that, if he did not respond to the defendant’s 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. 23.) The notice further advised Hawkins that, if he wished to continue with the case, it was “necessary that [he] 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.) Hawkins did not respond to the defendants’ motion and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

ENTERED this 27th day of September, 2022.

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