

CLERK'S OFFICE U.S. DIST. COURT  
AT HARRISONBURG, VA  
FILED

March 10, 2025

LAURA A. AUSTIN, CLERK  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

LACY FERGUSON,	)	
Plaintiff,	)	Civil Action No. 7:23-cv-00475
	)	
v.	)	
	)	By: Elizabeth K. Dillon
CLAY CORBIN, <i>et al.</i> ,	)	Chief United States District Judge
Defendants.	)	

**MEMORANDUM OPINION AND ORDER**

Lacy Ferguson, a former Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendants moved for summary judgment (Dkt. No. 37), and the court issued a *Roseboro* notice on March 22, 2024 (Dkt. No. 39). The order explained that if plaintiff does not respond to the summary judgment motion in a timely manner, the court will assume either that plaintiff lost interest in the case or that plaintiff agrees with what defendants state in their pleadings, and the case could be dismissed for failure to prosecute.

The time to respond has passed, and plaintiff did not respond to defendants' motion for summary judgment. Accordingly, it is HEREBY ORDERED that this case is DISMISSED WITHOUT PREJUDICE for failure to prosecute. All pending motions are DISMISSED WITHOUT PREJUDICE as moot. The Clerk is directed to STRIKE this case from the court's active docket and to transmit a copy of this order to plaintiff and to all counsel of record.

Entered: March 10, 2025.

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