

ATTN. SEVEN

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Ther L Taylor #200961,)

Plaintiff,)

vs.)

Walter Warrick, South Carolina)
Department of Corrections, Bryan)
Stirling, Pamela Smith, John Pate, Jane)
Doe, John Doe, Virginia Grubbs, Mr.)
Hartley)

Defendants.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE NO.: 2016-CP-40-05952

ORDER OF DISMISSAL

RECEIVED

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SC Court of Appeals

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FILED
CLERK OF COURT

This court has inherent authority to control the docket to ensure the expeditious and orderly disposition of cases. *Link v. Wabash R. Co.*, 370 U.S. 626, 632, 82 S. Ct. 1386, 1390, 8 L. Ed. 2d 734 (1962); *Crestwood Golf Club, Inc. v. Potter*, 328 S.C. 201, 212, 493 S.E.2d 826, 832 (1997).

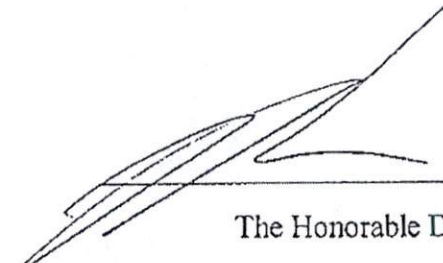
Such authority is rooted in a history of sustained dismissals. *Link*, 370 U.S. at 630, 82 S.Ct. 1386, 1388. To illustrate, the Court upheld precedent confirming “trial judges possess the inherent power to dismiss actions *sua sponte* for a party’s failure to prosecute the relevant claims.” *Crestwood Golf Club Inc.*, 328 S.C. at 211, 493 S.E.2d 826, 832 (failing to find a reversible error in the trial court’s dismissal of the Defendant’s counterclaim for failure to prosecute). Furthermore, the Court acknowledged a court’s power to act “on their own initiative, to clear their calendars of cases that have remained dormant because of the inaction or dilatoriness of the parties seeking relief.” *Link*, 370 U.S. at 630, 82 S.Ct. 1386, 1389 (concluding dismissal was proper and Rule 41(b) does not abrogate the power of courts to dismiss stagnant cases). Consideration of the case’s age and history of litigation may be given weight when determining whether dismissal is appropriate. *Link*, 370 U.S. at 635, 82 S.Ct. 1386, 1391 (noting justification for dismissal as the case being “one of the oldest on the docket” and having a history of delays was valid).

This case was filed on 10/04/2016 and is 8 years old. After a review of this case, and the many similar cases by this defendant, the Court filed an order on 09/04/2024 stating that the defendant had failed to prosecute this case and that if he did not send this Court a status update, then the case would be dismissed for failure to prosecute.

After a careful review of the complaint, pleadings, papers, and other filings for this case (which are available on the Public Index), the court hereby moves *sua sponte* to dismiss the case for failure to prosecute. The case is **DISMISSED WITHOUT PREJUDICE**. While the plaintiff has filed letters and affidavits over the recent years, the plaintiff has in no way prosecuted his case in a diligent manner and is not in compliance with the rules of civil procedure or court rules.

This defendant has filed multiple^{Nº} similar cases based on the same causes of action and prayers of relief. On 10/14/2024, this Court gave the defendant a hearing on a motion for summary judgment as to his case 2017CP4000210 and that case was ultimately dismissed.

IT IS SO ORDERED.



The Honorable Daniel Coble
Chief Administrative Judge for the Fifth Judicial Circuit

October 25 2024
Columbia, SC