

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CARLOS ISAAC COSTA,

Petitioner,

v.

Case No: 2:18-cv-54-FtM-99MRM

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER¹

This matter comes before the Court upon sua sponte review of the record. On January 25, 2018, the Court directed Petitioner Carlos Isaac Costa to file an amended petition due to his failure to use the Court's "Habeas Corpus Form." (Doc. 10). The Petitioner failed to file an amended petition by the Court's deadline. On March 21, 2018, the Court issued an Order to Show Cause directing the Petitioner to show cause by April 4, 2018, why his Petition should not be dismissed for failure to comply with the Court's previous Order. (Doc. 12). To date Petitioner has failed to comply with the Court's Orders.

The Court has taken reasonable steps to provide Petitioner an opportunity to respond to the Court's Orders and Petitioner was put on notice that the case would be dismissed if he failed to comply with the Court's Orders. The Local Rules of this Court

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provide that “[w]henver it appears that any case is not being diligently prosecuted the Court may, on motion of any party or on its own motion, enter an order to show cause why the case should not be dismissed, and if no satisfactory cause is shown, the case may be dismissed by the Court for want of prosecution.” M.D. Fla. R. 3.10(a).

The Court finds that Petitioner has failed to prosecute this case and that the case is due to be dismissed. Because the Court is dismissing this action without prejudice, Petitioner may file a new petition if he wishes to pursue his claims.

Accordingly, it is now

ORDERED:

(1) Petitioner Carlos Isaac Costa’s Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 is **DISMISSED** without prejudice.

(2) The Clerk of the Court is directed to enter judgment, terminate any pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 17th day of April, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies:
Carlos Isaac Costa
SA: FTMP-2