IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

SCOTT KIRKLAND,	:	
	:	
Plaintiff,	:	
VS.	:	
	:	**NO. 1:15-CV-173-MTT-TQL**
GEORGIA DEPARTMENT OF CORRECTIONS, *et al.*,	:	
	:	
Defendants.	:	
	:	

ORDER

Pro se Plaintiff Scott Kirkland, who is confined at the Baldwin State Prison in Hardwick, Georgia, filed a complaint under 42 U.S.C. § 1983 but did not pay the filing fee or file a proper motion to proceed without the prepayment of the filing fee. Accordingly, the United States Magistrate Judge directed Plaintiff to either pay the filing fee or submit to the Court a proper and complete motion for leave to proceed *in forma pauperis*. Plaintiff was also directed to recast his Complaint on the Court's standard form. Plaintiff was warned that his failure to comply with the Magistrate Judge's Order would result in dismissal of Plaintiff's action. Plaintiff was further advised that if he no longer wished to proceed with this action, he should notify the Court. Plaintiff was given twenty-one (21) days to comply with the Court's Order. (Order, Feb. 3, 2016, ECF No. 5.)

The time for compliance passed with no response from the Plaintiff. Accordingly, the Magistrate Judge ordered Plaintiff on March 8, 2016 to respond and show cause why his lawsuit should not be dismissed for failure to comply with the Court's orders and instructions. Plaintiff's response was due within twenty-one (21) days of the date of the Order, and Plaintiff was advised that failure to respond would result in dismissal of his Complaint for failure to comply. (Order, Mar. 8, 2016, ECF No. 6.)

The time for responding to the Show Cause Order has passed, and Plaintiff has still failed to file any response to either of the Magistrate Judge's Orders. Accordingly, because of Plaintiff's failure to pay the required filing fee, failure to comply with the Court's instructions and orders, and failure to otherwise diligently prosecute this action, his Complaint shall be **DISMISSED without prejudice**. *See* Fed. R. Civ. P. 41; *see also Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir.1978)).

SO ORDERED, this 8th day of April, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT