

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

CHRISTOPHER T. ROLLINS,

Plaintiff,

V.

**DETECTIVE MICHAEL
MCCAULEY, *et al.*,**

Defendants.

NO. 3:21-cv-00085-CDL-CHW

ORDER

Plaintiff Christopher T. Rollins, a detainee in the Oglethorpe County Jail in Lexington, Georgia, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 and a motion for leave to proceed without prepayment of the filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). Compl., ECF No. 1; Mot. for Leave to Proceed *In Forma Pauperis*, ECF No. 2. Plaintiff's motion to proceed *in forma pauperis* was previously granted, and he was ordered to pay an initial partial filing fee. Order, ECF No. 4. Plaintiff was given twenty-one days to pay the initial partial filing fee and was cautioned that his failure to do so could result in the dismissal of this action. *Id.*

More than twenty-one days passed following entry of that order, and Plaintiff did not pay the initial partial filing fee or otherwise respond to the order to do so. Accordingly, Plaintiff was ordered to show cause to the Court why this case should not be dismissed based on his failure to pay the initial partial filing fee. Plaintiff was given twenty-one days to respond and was cautioned that his failure to do so would result in the dismissal of this action.

More than twenty-one days have now passed since the order to show cause was entered, and Plaintiff has not responded to that order. Moreover, the order, which was sent to Plaintiff at the Oglethorpe County Jail, the only address on file for Plaintiff, has been returned to this Court as undeliverable. Mail Returned, ECF No. 6. Plaintiff's failure to keep the Court apprised of his current address constitutes a failure to prosecute this case, and insofar as the Court has no information as to Plaintiff's current whereabouts, this action cannot proceed.

Thus, because Plaintiff has failed to respond to the Court's orders or otherwise prosecute this case, his complaint is now **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *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 Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this **7th** day of **October, 2021**.

S/Clay D. Land

CLAY D. LAND
U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA