

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

RESTORATION MINISTRIES ATM, INC., <i>et al.</i> ,	*	
	*	
Plaintiffs,	*	CASE NO. 4:16-cv-204
vs.	*	Related Cases:
	*	4:16-cv-264
CAPITAL CITY BANK & TRUST CO., <i>et al.</i> ,	*	4:16-cv-265
	*	
Defendants.	*	

---

O R D E R

On November 15, 2016, the Court held a telephone conference to get this case and two related cases (4:16-cv-264 and 4:16-cv-265) back on track. For the reasons explained in the hearing, the Court issued an order permitting Plaintiffs "to file an amended and recast complaint that includes the claims asserted in" both this action and in 4:16-cv-265. Text Order (Nov. 15, 2016), ECF No. 28. The Court ordered that the amended and recast complaint "be filed electronically by December 9, 2016." *Id.*

The Court also provided Plaintiffs with an opportunity "to file an amended motion to extend the time within which [they have] to respond to Defendants' summary judgment motion pursuant to FRCP 56(d)." *Id.* The deadline for that amended motion was December 23, 2016. *Id.*

Finally, the Court noted: "It is the Court's expectation that the parties will file stipulations of dismissal for cases 4:16cv265 and 4:16cv264." *Id.*

Plaintiffs filed an amended complaint on December 21, 2016—almost two weeks after the deadline. Plaintiffs did not file an amended motion to extend the time for a summary judgment response. And stipulations of dismissal were not filed in 4:16-cv-264 and 4:16-cv-265. In sum, Plaintiffs failed to comply with the Court's November 15, 2016 order. The Court observes that this failure is consistent with Plaintiffs' approach to this action from the very beginning. In order to have these actions decided on the merits, the Court has "helped the Plaintiffs off the mat" on more than one occasion. The Court's patience has now been exhausted. The Court concludes that Plaintiffs have failed to prosecute these actions pursuant to the Court's rules and orders and in a diligent manner. Accordingly, this action, along with 4:16-cv-264 and 4:16-cv-265, are dismissed without prejudice for failure to prosecute and for failure to comply with the Court's orders.<sup>1</sup>

IT IS SO ORDERED, this 27th day of December, 2016.

S/Clay D. Land  
\_\_\_\_\_  
CLAY D. LAND  
CHIEF U.S. DISTRICT COURT JUDGE  
MIDDLE DISTRICT OF GEORGIA

---

<sup>1</sup> If these actions are re-filed in this Court and are pursued in a similar manner, the next dismissal will be with prejudice.