

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

TYRUS ALPHONSE WILLIAMS,	:	
	:	
Plaintiff,	:	
v.	:	
	:	NO. 4:22-cv-27-CDL-MSH
STATE OF GEORGIA,	:	
	:	
Defendant.	:	
_____	:	

ORDER AND RECOMMENDATION OF DISMISSAL

Plaintiff filed his Complaint on January 25, 2022, without paying the required \$402.00 filing fee (ECF No. 1). On February 1, 2022, Plaintiff was ordered to either pay the \$402.00 filing fee or submit a proper motion for leave to proceed *in forma pauperis* (“IFP”) (ECF No. 4). Plaintiff was given fourteen (14) days to comply and was warned that the failure to comply could result in the dismissal of his Complaint. Order, Feb. 1, 2022, ECF No. 4.

Plaintiff did not comply, but instead, filed a non-responsive document the Clerk has labeled as a “Motion for Hearing” (ECF No. 5). Therefore, on February 23, 2022, the Court entered a show cause order, allowing Plaintiff another fourteen (14) days to “respond and show cause as to why his lawsuit should not be dismissed for his failure to comply with the Court’s previous orders and instructions.” Order 1, Feb. 23, 2022, ECF No. 6. Plaintiff was warned that “[f]ailure to respond will result in the dismissal of Plaintiff’s Complaint for failure to comply.” *Id.* at 1-2. Plaintiff has not paid the required filing fee, submitted a motion to proceed IFP, or shown cause as to why his Complaint should not be

dismissed.¹ It is therefore recommended that Plaintiff's complaint be dismissed without prejudice for failure to pay the required filing fee and comply with the Court's orders.² See Fed. R. Civ. P. 41(b).

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation, or seek an extension of time to file objections, within fourteen (14) days after being served with a copy hereof. Any objection should be no longer than TWENTY (20) PAGES in length. See M.D. Ga. L.R. 7.4. The district judge shall make a *de novo* determination of those portions of the Recommendation to which objection is made. All other portions of the Recommendation may be reviewed for clear error.

The parties are hereby notified that, pursuant to Eleventh Circuit Rule 3-1, "[a] party failing to object to a magistrate judge's findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice."

SO ORDERED and RECOMMENDED, this 17th day of March, 2022.

/s/ Stephen Hyles
UNITED STATES MAGISTRATE JUDGE

¹ According to the Clerk, it appears the envelope containing the Court's show cause order was opened and the order returned via certified mail. Mail Returned, Mar. 1, 2022.

² Plaintiff's motion to seal (ECF No. 2) and motion for hearing (ECF No. 5) are **DENIED**.