

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

KEVIS VAN NESS,	:	
	:	
Petitioner,	:	
	:	NO. 4:24-CV-00031-CDL-MSH
VS.	:	
	:	
Sheriff GREGORY COUNTRYMAN,	:	
	:	
Respondent.	:	
	:	

DISMISSAL ORDER

Pro se Petitioner Kevis Van Ness, a pretrial detainee at the Muscogee County Jail in Columbus Georgia, filed a petition for a writ of habeas corpus. ECF No. 1. Petitioner also filed a motion to proceed *in forma pauperis*. ECF No. 4. On March 27, 2024, Petitioner's motion to proceed *in forma pauperis* was denied and he was ordered to pay the \$5.00 filing fee. ECF No. 5. Petitioner was given fourteen (14) days to pay the fee. *Id.* Petitioner did not respond.

Therefore, on April 17, 2024, the Court notified Petitioner that it had not received a response and ordered him to show cause why his action should not be dismissed for failure to comply with this Court's orders. ECF No. 6. The Court unambiguously informed Petitioner that his action would be dismissed if he failed to respond. *Id.* Petitioner was given fourteen (14) days to respond or otherwise pay the fee. *Id.* Petitioner has once again failed to respond.

Because Petitioner has failed to comply with the Court's orders or otherwise

prosecute his case, his complaint is **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) (“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 8th day of May, 2024.

S/Clay D. Land

CLAY D. LAND, JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA