

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

DAVID WESLEY FINNAN,

Plaintiff

VS.

Dr. FYE,

Defendant

NO. 5:11-CV-77 (MTT)

ORDER

Plaintiff **DAVID WESLEY FINNAN**, a prisoner at Macon State Prison in Oglethorpe, Georgia, has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. On May 2, 2011, the Court granted Plaintiff's Motion to Proceed *in forma pauperis* but ordered Plaintiff to pay an initial partial filing fee in the amount of \$ 7.50. Plaintiff failed to pay the initial partial filing fee.

Therefore, in an Order to Show Cause dated May 31, 2011, the Court ordered Plaintiff to show cause why his case should not be dismissed for failure to pay the initial partial filing fee. Plaintiff was specifically ordered to explain what steps he took to comply with the Court's May 2, 2011 Order. Plaintiff was further warned that failure to respond to the Court's Order would result in the immediate dismissal of this action.

As of this date, Plaintiff has failed to pay the initial partial filing fee or respond to the May 31, 2011 Order to Show Cause. Because of his failure to comply with the Court's instructions, Plaintiff's case is hereby **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED**, this 20th day of June, 2011.

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

jlr