

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

LAMARCUS THOMAS, :
: Plaintiff :
: VS. :
: : NO. 5:14-CV-0235-MTT-MSH
Warden CHATMAN :
: Defendant :

ORDER

Plaintiff **LAMARCUS THOMAS**, a state prisoner, initiated this *pro se* civil rights action under 42 U.S.C. § 1983 while confined at the Georgia Diagnostic and Classification Prison in Jackson, Georgia. In his pleading, Plaintiff vaguely alleged that he had been denied medical care. Plaintiff did not provide any information about his medical condition or explain how he had been denied care or by whom. Plaintiff also failed to provide the Court with a certified copy of his trust account statement and to submit his complaint on the Court's form. Thus, in an order dated June 30, 2014, the United States Magistrate Judge directed Plaintiff to file a pauper's affidavit, certified copy of his trust account statement, and recast complaint on the Court's standard form.

When Plaintiff failed to respond, the Magistrate Judge ordered Plaintiff to show cause why his lawsuit should not be dismissed for failure to comply. Plaintiff then failed to respond to the Show Cause Order. His Complaint was accordingly dismissed *without prejudice* for failure to prosecute on September 15, 2014.

Plaintiff has now filed a Motion for Reconsideration (Doc. 14) and Motion for Relief from Judgment (Doc. 13). In both motions, Plaintiff asserts that his failure to respond was the result of “foul play” and concludes that his responses to the Court’s orders were likely “stolen out of [his] outgoing mail” by a mail officer or supervisor. Plaintiff alternatively suggests that the Magistrate Judge could have been “personally involved” in stealing his responses because his filings identified numerous “errors” the judge made in his orders. Plaintiff further states that he has “responded back” to all other orders and motions filed, including a motion for summary judgment. He thus seeks to have the Court reopen this case and give him yet another opportunity to respond.

Plaintiff’s current filings, however, do not contain any of the documents initially requested by the Court: He has still not filed a pauper’s affidavit, certified copy of his trust account statement, or recast complaint on the Court’s standard form. The Court likewise does not find Plaintiff’s conclusory, speculative, and self-serving allegations of foul play to be persuasive. And, contrary to his numerous assertions, Plaintiff has not filed a single response to any order or motion in this case.¹ Even if Plaintiff filed required responses in other cases, those filings have no bearing in the present case, where Plaintiff failed to respond to any of the Court’s orders. A review of court records further shows that this is not the first case Plaintiff initiated, failed to diligently prosecute, and sought to reopen with claims of “foul play” in the handling of his prison mail: see *Thomas v. Humphrey*, 5:12-cv-0359 (M.D.Ga. 2012).²

¹ No motions were filed in this case.

² In his prior case, Plaintiff failed to respond to an order to file a supplement, on two different occasions, which resulted in dismissal of his complaint. *Id.* (Doc. 9, 13). Plaintiff then filed a motion for reconsideration, suggesting possible “foul play” by prison officials. *Id.* (Doc. 14). The motion was denied. *Id.* (Doc. 15).

Plaintiff's Motions for Reconsideration and/or for Relief from Judgment (Docs. 13 & 14) are accordingly **DENIED**. If Plaintiff wishes to proceed with claims asserted in this case, he must file a new complaint, which will be assigned a new case number. Should Plaintiff file a new lawsuit, he must present his claims on the Court's standard form and also provide the Court with both a pauper's affidavit and a certified copy of his trust account statement.

SO ORDERED, this 8th day of October, 2014.

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

jlr