

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

DONALD PAUL WILSON,

Petitioner,

VS.

Sheriff GENE POPE,

Respondent.

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NO. 5:16-CV-00053-MTT-MSH

ORDER

Petitioner Donald Paul Wilson, a state prisoner currently confined at the Georgia State Prison in Reidsville, Georgia, has filed a petition and amended petitions for writ of federal habeas corpus in this Court that appear to challenge the validity of two separate criminal convictions. In an order dated June 21, 2016, the Court adopted the Report and Recommendation of the United States Magistrate Judge and dismissed without prejudice the claims regarding Petitioner’s 2008 conviction. (Order, June 21, 2016, ECF No. 14.) The United States Magistrate Judge had also ordered Petitioner to file a recast petition including only his challenges to his second conviction, which occurred in 2013. Petitioner was warned that failure to fully and timely comply with the Court’s Order may result in the dismissal of his Petition, and he was given twenty-one (21) days to comply with the Court’s Order. (Order and Recommendation 5, May 3, 2016, ECF No. 12.)

The time for compliance passed, and Petitioner failed to recast his petition in accordance with the Magistrate Judge’s order. As such, the Magistrate Judge ordered Petitioner to respond and show cause as to why his petition should not be dismissed.

Petitioner was given twenty-one (21) days to comply with this order, and he was again warned that if he failed to respond, his petition would be dismissed for failure to comply. (Order, June 15, 2016, ECF No. 13.) The time for responding to the Show Cause Order has passed, and Petitioner has again failed to respond.

Petitioner's failure to fully and timely comply with these orders leads the Court to believe that he is no longer interested in pursuing this case. Thus, because of Petitioner's failure to comply with the Court's instructions and orders, and his failure to otherwise diligently prosecute this action, his Petition shall be **DISMISSED without prejudice**. *See* Fed. R. Civ. P. 41; *see also Slack v. McDaniel*, 529 U.S. 473, 489 (2000) (noting that the failure to comply with a court order is grounds for dismissal in a habeas case).

SO ORDERED, this 18th day of August, 2016.

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