

either did not intend to initiate a civil action or no longer wishes to pursue his claim.

For these reasons, and because it does not appear that the relevant two-year statute of limitations would bar Plaintiff's from refiling his claims,¹ the present action is properly **DISMISSED** without prejudice for Plaintiff's failure to comply and/or diligently prosecute his case. 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.") See also, 28 U.S.C. § 1915A(b) (authorizing *sua sponte* dismissal prior to service for failure to state a claim).

SO ORDERED this 13th day of January, 2017.

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

¹ The conduct of which Plaintiff complains appears to have been ongoing at the time of filing. In the State of Georgia, § 1983 claims have a two-year statute of limitations. *Owens v. Okure*, 488 U.S. 235, 236 (1989), (citing *Wilson v. Garcia*, 471 U.S. 261 (1985)); O.C.G.A. § 9-3-33 (1982).