

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

ANDRE D. LIGHTFOOT,	:	
	:	
Plaintiff,	:	
	:	NO. 5:16-CV-0338-CAR-MSH
VS.	:	
	:	
LIEUTENANT RIDLEY, et al.,	:	
	:	
Defendants.	:	

ORDER

This case is currently before the Court due to Plaintiff’s repeated failure to comply with the Court’s order that he (1) either pay the required fee or submit a motion to proceed *in forma pauperis*¹ and also (2) recast his complaint as instructed on a standard form. *See* Order, ECF No. 8. Plaintiff was originally given twenty-one days to comply with this order and warned that a failure to comply could result in the dismissal of his complaint. *Id.* The time allowed for compliance nonetheless expired without any response from Plaintiff; and the United States Magistrate Judge has since ordered Plaintiff to show cause why his lawsuit should not be dismissed for his failure to comply. *See* Order, ECF No. 9.

The time for filing a response to the Show Cause Order has now passed. Plaintiff has not yet complied with the original order or otherwise responded with good cause for his failure to comply. Plaintiff only filed a motion for transfer. *See* ECF No. 10. This motion is not a response to the Court’s orders.

¹ Leave to proceed *in forma pauperis* is **GRANTED** solely for the purpose of dismissal.

For these reasons, and because it does not appear that the relevant two-year statute of limitations will bar Plaintiff's from refiling claims,² his complaint is hereby **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to comply and 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.").

SO ORDERED this 22nd day of December, 2016.

S/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

² According to his complaint, Plaintiff's claims arise out of events that occurred on or after June 10, 2016. In the State of Georgia, § 1983 claims have a two year statute of limitations. See *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).