

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

TIMOTHY DAWKINS, <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">VS.</div> Commissioner HOMER BRYSON <i>et. al.,</i> <div style="text-align: center;">Defendants.</div>	: : : : : : : : : :	NO. 5:16-cv-00491-CAR-CHW
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ORDER

Plaintiff Timothy Dawkins, a detainee in Hancock State Prison, filed a *pro se* civil rights action under 42 U.S.C. § 1983 (ECF No. 1) seeking to proceed without the prepayment of filing fees (ECF No. 2). Magistrate Judge Charles H. Weigle granted Plaintiff leave to proceed *in forma pauperis* on February 6, 2017, and ordered Plaintiff to pay an initial partial filing fee of \$9.61 as well as submit an amended complaint on the Court's standard section 1983 form. ECF No. 8. Plaintiff was given twenty-one days in which to comply and advised that noncompliance could result in the dismissal of his complaint. The twenty-one days elapsed without response from Plaintiff, and on March 28, 2017, Magistrate Judge Weigle ordered Plaintiff to show cause why his complaint should not be dismissed for failure to comply. ECF No. 9. Plaintiff was again advised that failure to respond would result in the dismissal of his lawsuit. *Id.* at 2.

As of today's date, the fourteen day deadline to show cause has passed without response from Plaintiff, and it has been over four months since Plaintiff last contacted the Court. For these reasons, and because Georgia's two-year statute of limitations will not prevent the filing of Plaintiff's complaint in the near future, the instant action is hereby **DISMISSED WITHOUT PREJUDICE**. 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.") (citing *Lopez v. Aransas Cnty Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED this 5th day of May, 2017.

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