

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

MILTON SEARCY, JR,

Plaintiff,

v.

SELLER, et al.,

Defendants.

)
)
)
) **CIVIL ACTION NO. 5:17-CV-18 (MTT)**
)
)
)
)
)
)

ORDER

Before the Court are two Recommendations from United States Magistrate Judge Charles H. Weigle, one pursuant to a preliminary screening under 28 U.S.C. § 1915A(a) and another to dismiss for failure to prosecute. Docs. 7; 18. In the screening Order and Recommendation, the Magistrate Judge allowed Plaintiff Milton Searcy's excessive force claims against Defendants Robinson and Pitman to proceed for further factual development and recommended that Plaintiff's claims against Defendants Seller and Jackson State Prison be dismissed without prejudice. Doc. 7 at 1. Plaintiff did not object to the Recommendation. The Court has reviewed the Recommendation and accepts the findings, conclusions, and recommendations of the Magistrate Judge. Thus, the Recommendation is **ADOPTED** and made the order of this Court.

In the second Recommendation, the Magistrate Judge recommends dismissing Plaintiff's complaint in its entirety for failing to comply with the Court's orders and for not diligently prosecuting his case pursuant to Federal Rule of Civil Procedure 41(b). Doc. 18. In the Order and Recommendation, the Magistrate Judge informed Plaintiff of his

duty to advise the Court of any change in his address and to prosecute his complaint, subject to the possibility of dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b). Doc. 7 at 6, 7. The Magistrate Judge then ordered Plaintiff to show cause as to why Defendant Pitman's motion to dismiss (Doc. 13) pursuant to Rule 41(b) should not be considered uncontested. Doc. 15 at 3. Plaintiff has done none of the above.¹ Plaintiff also has not objected to the second Recommendation. The Court has reviewed the Recommendation and accepts the findings, conclusions, and recommendations of the Magistrate Judge. Thus, the Recommendation is **ADOPTED** and made the order of this Court. Accordingly, Plaintiff's complaint is **DISMISSED without prejudice**.

SO ORDERED, this 8th day of November, 2017.

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

¹ Copies of both the screening Order and the subsequent Show Cause Order were mailed to Plaintiff and returned to the Court marked as "discharged." Docs. 10; 16. It seems Plaintiff has abandoned his case since his release.