

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

RONALD EARLE RUSHIN,

Plaintiff,

VS.

WARDEN CALDWELL, et al.,

Defendants.

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NO. 5:17-CV-00183-CAR-MSH

ORDER

Plaintiff Ronald Earle Rushin, a prisoner most recently confined in the Coffee Correctional Facility in Nicholls, Georgia, has filed a *pro se* Complaint seeking relief under 42 U.S.C. § 1983 (ECF No. 1). On May 12, 2017, the Court advised Plaintiff in a “notice of deficiency” that in order to proceed with this action, he must either pay the \$400.00 required filing fee or submit a proper motion for leave to proceed *in forma pauperis*. The notice gave Plaintiff twenty-one (21) days to comply with the notice and further advised Plaintiff that if he did not comply, his action could be dismissed.

The time for compliance passed, and Plaintiff failed to respond to the notice of deficiency. The United States Magistrate Judge therefore ordered Plaintiff to respond and show cause why his case should not be dismissed for failure to comply with the Court’s orders and instructions. Plaintiff was given twenty-one (21) days to respond and was again warned that failure to comply with an order of this Court is grounds for dismissal. ECF No. 4 at 1-2.

The time for compliance has again passed without a response from Plaintiff. Because Plaintiff has failed to pay the required filing fee, failed to comply with the Court's instructions and orders, and otherwise failed to diligently prosecute his claims, and because the statute of limitations would not appear to bar the refiling of his claims if he acts promptly to take such action, his Complaint shall be **DISMISSED without prejudice**. *See* Fed. R. Civ. P. 41; *see also Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (“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 18th day of August, 2017.

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