

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

DARRELL DEMETRIUS CROSS,	:	
	:	
Plaintiff,	:	
	:	
VS.	:	NO. 5:17-cv-00247-MTT-CHW
	:	
LEE, et al.,	:	
	:	
Defendants.	:	

ORDER

Pro se Plaintiff Darrell Demetrius Cross, currently confined at Telfair State Prison, filed a letter which the Clerk of Court docketed as an action brought under 42 U.S.C. § 1983. ECF No. 1. On June 29, 2017, the Clerk of Court issued a notice of deficiency to Plaintiff giving him twenty-one (21) days to pay the \$400.00 filing fee required to commence a civil action or file a properly completed motion to proceed *in forma pauperis*. Plaintiff was advised that failure to comply could result in the dismissal of his complaint, and he was provided with the Court’s standard *in forma pauperis* application and forms. Plaintiff failed to comply with the order and opted instead to file a document entitled “First Amendment Right to Petition for Redress of 1791.” ECF No. 4. In the filing, Plaintiff indicated that he was unwilling to pay the full filing fee, but he would be willing to “pay \$100 for that preliminary injunction” subject to certain conditions. ECF No. 4 at 3.

In light of Plaintiff’s noncompliance, Magistrate Judge Charles H. Weigle ordered

Plaintiff to show cause why his complaint should not be dismissed for failure to comply with Court order. ECF No. 5. Plaintiff was again provided with a copy of the Court's standard *in forma pauperis* application and given an opportunity to comply with the deficiency notice. Plaintiff was advised that failure to comply would result in his complaint being dismissed. Plaintiff responded on August 19, 2017, reaffirming his refusal to pay the filing fee in a five page diatribe referencing everything from "Kim Jong nm" to the salary of wardens within the Georgia Department of Corrections. ECF No. 6.

As of today's date, the deadline to show cause has passed without compliance from Plaintiff. Despite being given multiple opportunities to do so, Plaintiff has repeatedly refused to pay the filing fee or submit a properly completed motion to proceed *in forma pauperis*. Plaintiff's most recent filing makes clear that he has no intention of complying with the Court's order or filing a motion to proceed *in form pauperis*. 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 30th day of August, 2017.

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