

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

RODERICK DOUGLASS BAKER,

Plaintiff,

v.

STATE OF GEORGIA, *et al.,*

Defendants.

CIVIL ACTION NO.
5:18-cv-12-TES-TQL

ORDER OF DISMISSAL

Pro se Plaintiff Roderick Douglass Baker, an inmate incarcerated in Autry State Prison in Pelham, Georgia, filed a civil rights complaint under 42 U.S.C. § 1983. [Doc. 1]. Along with his Complaint, Plaintiff filed a motion for leave to proceed without prepayment of the filing fee. [Doc. 2]. On January 29, 2018, the United States Magistrate Judge granted Plaintiff leave to proceed *in forma pauperis* and ordered Plaintiff to pay an initial partial filing fee of \$3.11. [Doc. 5].

Additionally, the United States Magistrate Judge noted that Plaintiff's Complaint purported to be a class action based on a complaint filed in a separate case by another inmate. [*Id.* at 2]. Prisoner plaintiffs who are proceeding *pro se* and *in forma pauperis* may not join together as plaintiffs in a single lawsuit. *Hubbard v. Haley*, 262 F. 3d 1194, 1198 (11th Cir. 2001).

Further, Plaintiff's Complaint did not state a claim for relief, and the United States Magistrate Judge ordered Plaintiff to recast his Complaint, asserting only such claims as are personal to him. [*Id.* at 2-3]. The United States Magistrate Judge gave Plaintiff twenty-one days to comply with the order and cautioned him that his failure to comply could result in the dismissal of this action. [*Id.* at 4-5]. Thereafter, Plaintiff failed to pay the initial partial filing fee or file a recast complaint. Thus, on March 2, 2018, the United States Magistrate Judge issued an order to show cause, directing Plaintiff to show why this case should not be dismissed for failure to comply with the United States Magistrate Judge's order directing Plaintiff to pay the initial partial filing fee and file a recast complaint. [Doc. 6]. Plaintiff had twenty-one days to respond to the show cause order and the United States Magistrate Judge once again warned Plaintiff that his failure to respond would result in the dismissal of his Complaint. [*Id.* at 2].

To date, Plaintiff has yet to respond to the order to show cause and failed to comply with the United States Magistrate Judge's Order directing payment of the initial partial filing fee as well as the filing of a recast complaint. Because Plaintiff failed to

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otherwise respond to the United States Magistrate Judge's orders his complaint is
DISMISSED WITHOUT PREJUDICE.¹

SO ORDERED, this 10th day of April, 2018.

/s/ Tilman E. Self, III
TILMAN E. SELF, III
UNITED STATES DISTRICT COURT

¹ See Fed. R. Civ. P. 41(b); *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 Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).