

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

GRADY RENARD WILLIAMS, JR., :
also known as ABDUL MALIK BEY, :

Plaintiff, :

V. :

PUBLIC OFFICIAL
LAWRENCE WHITTINGTON, :

Defendant. :

NO. 5:21-cv-00305-MTT-MSH

ORDER

Plaintiff Grady Renard Williams, Jr., also known as Abdul Malik Bey, a prisoner in Wilcox State Prison in Abbeville, Georgia, filed a handwritten document, which was docketed in this Court as a complaint under 42 U.S.C. § 1983. Compl., ECF No. 1. Plaintiff did not either pay the Court’s \$402.00 filing fee or move for leave to proceed *in forma pauperis*. Thus, Plaintiff was previously ordered to either pay the filing fee or file a proper and complete motion to proceed *in forma pauperis* if he wanted to proceed with this action. Order, ECF No. 4.

Additionally, because Plaintiff’s complaint was not filed on the required § 1983 form designed for use by prisoner litigants and because Plaintiff’s complaint, as drafted, appeared to be frivolous, Plaintiff was also ordered to file a recast complaint in order to proceed with this action. *Id.* Plaintiff was given twenty-one days to file his recast complaint and either pay the filing fee or seek leave to proceed *in forma pauperis*. *Id.* Plaintiff was also cautioned that his failure to fully and timely comply could result in the

dismissal of this action. *Id.*

More than twenty-one days passed following entry of the order to recast and either pay the filing fee or seek leave to proceed *in forma pauperis*, and Plaintiff did not take any of the steps identified in that order or otherwise respond to the order. Thus, Plaintiff was ordered to show cause to the Court why this case should not be dismissed based on his failure to comply with the previous order. Order to Show Cause, ECF No. 5. Plaintiff was given twenty-one days to respond and was cautioned that his failure to do so would result in the dismissal of this action. *Id.*

More than twenty-one days have passed since the order to show cause was entered, and Plaintiff has not responded to that order or taken any of the steps identified in the previous orders. Thus, because Plaintiff has failed to respond to the Court's orders and has otherwise failed to prosecute this case, it is hereby **ORDERED** that this petition be **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) (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)).

SO ORDERED, this 18th day of November, 2021.

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