

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

MICHAEL A COX,

Plaintiff,

VS.

**COMMISSIONER TIMOTHY C
WARD, et al.,**

Defendants.

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NO. 5:22-CV-00008-MTT-MSH

ORDER

Pro se Plaintiff Michael A. Cox, an inmate most recently confined in the Macon State Prison in Oglethorpe, Georgia, has filed a document that has been construed as a Complaint seeking relief pursuant to 42 U.S.C. § 1983 (ECF No. 1). On February 25, 2022, Plaintiff was instructed to either pay the Court's filing fee in full or submit a complete and proper motion for leave to proceed *in forma pauperis*. Plaintiff was given fourteen (14) days to comply, and he was advised that the failure to timely and fully comply with the Court's orders and instructions could result in the dismissal of this case. *See generally* Order, Feb. 25, 2022, ECF No. 3.

The time for compliance passed without a response from Plaintiff. As such, Plaintiff was ordered to respond and show cause why his lawsuit should not be dismissed for failing to comply with the Court's orders and instructions. Plaintiff was again given fourteen (14) days to respond, and he was again warned that the failure to fully and timely comply with

the orders and instructions of the Court would result in the dismissal of this case. *See generally* Order, Mar. 16, 2022, ECF No. 4.

The time for compliance again passed without a direct response from Plaintiff. The Court, however, received a notice of change of address stating that Plaintiff had been transferred to Macon State Prison (ECF No. 5). In an abundance of caution, the Court again ordered Plaintiff to respond and show cause why his lawsuit should not be dismissed and directed the Clerk's office to mail this Order to Plaintiff at his new address. The Order provided Plaintiff with fourteen (14) days to respond and warned Plaintiff that the failure to comply would result in the dismissal of his Complaint. Order, Apr. 14, 2022, ECF No. 6.

The time for compliance with the April 14, 2022 Order has now passed without a response from Plaintiff. Because Plaintiff has failed to comply with the Court's orders and instructions and otherwise failed to diligently prosecute his claims, this action is **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 9th day of May, 2022.

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