

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

ISAAC KING, JR.,

Plaintiff,

v.

DOOLY STATE PRISON, *et al.*,

Defendants.

CIVIL ACTION NO.
5:23-cv-00341-TES-CHW

ORDER

Pro se Plaintiff Isaac King, Jr., a prisoner at Dooly State Prison in Unadilla, Georgia, filed a 42 U.S.C. § 1983 complaint. [Doc. 1]. Plaintiff did not pay the \$402.00 filing fee or submit a motion to proceed *in forma pauperis*.

On September 20, 2023, Plaintiff was ordered to recast his complaint on a standard § 1983 form and to either pay the full filing fee or, if indigent, submit a motion to proceed *in forma pauperis* along with a certified account statement. [Doc. 3, pp. 1, 6]. Plaintiff was given fourteen (14) days to respond and was informed that failure to comply would result in dismissal of his action. [*Id.*]. Plaintiff failed to respond.

Therefore, on October 19, 2023, the Court notified Plaintiff that he failed to respond to an order of the Court. [Doc. 4]. Plaintiff was ordered to show cause why this

action should not be dismissed for failure to comply with the Court's order. *[Id.]* The Court unambiguously informed Plaintiff that this action would be dismissed if he failed to respond. *[Id.]* Plaintiff was given fourteen (14) days to respond and he has failed to do so.

Due to Plaintiff's failure to follow the Court's Orders and failure to prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b); and then citing *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order."); *Duong Thanh Ho v. Costello*, 757 F. App'x 912 (11th Cir. 2018) (holding that the district court did not abuse its discretion in *sua sponte* dismissing without prejudice prisoner's *pro se* § 1983 complaint for failure to comply with court order to file amended complaint where order expressly informed prisoner of deficiencies in his complaint and rules that he needed to follow in filing amended complaint).

SO ORDERED, this 13th day of November, 2023.

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