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

ISSAC KING, JR., :

Plaintiff, :

: Case No. 5:23-cv-00456-MTT-CHW

v.

DOOLY STATE PRISON, et al.,

Defendants.

ORDER

Pro se Plaintiff Issac King, Jr., a prisoner at Dooly State Prison in Unadilla, Georgia, filed a 42 U.S.C. § 1983 complaint. ECF No. 1. On January 18, 2024, Plaintiff was ordered to recast his complaint and provided instructions on how to do so. ECF No. 4. 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 comply with the Court's order.

Therefore, on February 15, 2024, the Court notified Plaintiff that he failed to respond to an order of the Court. ECF No. 5. 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 file his amended complaint as ordered. *Id.* Plaintiff was given fourteen (14) days to respond. The Court's order was returned to the Clerk of Court. On March 5, 2024, the order to show cause was resent to the Plaintiff to the address that he provided. More than

two months have passed since the Court first ordered Plaintiff to recast his complaint and at least twenty days have elapsed since the Court resubmitted the order to show cause to the Plaintiff. Despite having an abundance of time to do so, Plaintiff has failed to recast his complaint as ordered.

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 *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.").

SO ORDERED, this 26th day of March, 2024.

S/ Marc T. Treadwell

MARC T. TREADWELL, CHIEF JUDGE UNITED STATES DISTRICT COURT