

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

DEONTE KITCHENS,

Plaintiff,

v.

UNKNOWN,

Defendant.

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Case No. 5:24-cv-00351-MTT-AGH

ORDER

Pro se Plaintiff Deonte Kitchens, a prisoner at Ware State Prison in Waycross, Georgia, filed a letter that was docketed as a petition for mandamus relief. ECF No. 1. Plaintiff did not pay the \$405.00 filing fee nor did he request leave to proceed without prepayment of the filing fee.

On November 5, 2024, Plaintiff was ordered to pay the filing fee or if indigent, submit a motion to proceed *in forma pauperis*. ECF No. 6. Plaintiff was further ordered to recast his complaint and provided instructions on how to do so. *Id.* Plaintiff was given fourteen (14) days to comply with the Court’s order and was informed that failure to do so could result in dismissal of this action. *Id.* Plaintiff failed to respond.

Therefore, on December 2, 2024, the Court notified Plaintiff that he failed to respond to an order of the Court. ECF No. 7. 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 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 *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 3rd day of January, 2025.

S/ Marc T. Treadwell

MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT