JACKSON v. HANKS et al Doc. 9

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

STEPHEN LAKEITH JACKSON,

:

Plaintiff,

v. :

CASE NO: 7:24-CV-61-WLS-TQL

Sheriff DOUG HANKS, et al.,

:

Defendants.

ORDER

On August 6, 2024, this Court ordered (Doc. 6) the dismissal of Plaintiff's complaint without prejudice on the ground that Plaintiff failed to respond to the Court's orders or otherwise prosecute his case. Specifically, Plaintiff was ordered to pay an initial partial filing fee of \$25.93 within fourteen days of the Court granting his motion to proceed *in forma pauperis*. (Doc. 4). Plaintiff failed to respond. Therefore, the Court notified Plaintiff that it had not received a response and ordered Plaintiff to show cause why his action should not be dismissed for failure to comply with the Court's prior order. (Doc. 5). Plaintiff was given fourteen days to respond, and Plaintiff again failed to do so. Thus, the Court dismissed Plaintiff's complaint without prejudice and a judgment of dismissal was entered accordingly. (Docs. 6, 7).

On August 26, 2024, Plaintiff filed a response to the order to show cause. (Doc. 8). Therein, Plaintiff asserts that he did not receive notice of the order to pay the initial partial filing fee until August 16, 2024. (*Id.*) Plaintiff paid the filing fee of \$350 in full on August 26, 2024. (*See* Unnumbered Docket Entry).

The docket shows that Plaintiff promptly responded to the order he received on August 16th. (Doc. 8-2). Therefore, the Court finds that through no fault of his own, Plaintiff did not receive the Order to pay the initial partial filing fee nor the Order to Show Cause until after the response deadline had run. Accordingly, the Court's previous Order and Judgment (Docs. 6-7) are **VACATED**, and the Clerk is **DIRECTED** to re-open the above-captioned case and remand it to the United States Magistrate Judge for further proceedings. Plaintiff is

reminded of his obligation to inform the Court immediately and in writing of any future change in his mailing address. The failure to comply with the Court's future orders and instructions may result in the dismissal of this action for such failure.

SO ORDERED, this 28th day of August 2024.

/s/ W. Louis Sands W. LOUIS SANDS, SR. JUDGE UNITED STATES DISTRICT COURT