UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARIUS LEIGH GILKEY,	2:17-CV-12753-TGB
Petitioner,	
vs.	**ORDER DISMISSING PETITION WITHOUT PREJUDICE**
DEWAYNE BURTON,	
Respondent.	

Petitioner Darius Leigh Gilkey, a Michigan state prisoner, filed an unsigned and unverified petition for writ of habeas corpus. (ECF No. 1.) On February 18, 2020, the Court issued an Order requiring Petitioner to file a signed and verified petition within thirty days or risk dismissal of the petition under Fed. R. Civ. P. 41(b). (*See* Order to Sign and Verify Petition, ECF No. 15.) Petitioner did not correct the deficiency within the time allowed. On May 20, 2020, the Court issued a second Order providing Petitioner an additional thirty days to file a signed and verified petition and, again, cautioned that failure to comply could result in dismissal of the petition. (*See* Second Order to Sign and Verify Petition, ECF No. 19.) Petitioner has not complied with the Court's second Order and the time for doing so has expired.

Federal Rule of Civil Procedure 41(b) gives the district court power to dismiss a complaint where "the plaintiff fails to prosecute or to comply with [the Federal Rules] or a court order." Fed. R. Civ. P. 41(b). This rule provides the Court a tool to effectively manage its docket. *Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 362-63 (6th Cir. 1999) (citation omitted). Because Petitioner failed to comply with the Court's order despite ample time to do so and notice that failure to do so could result in the dismissal of the petition, the Court will dismiss the petition without prejudice. *See May v. Pike Lake State Park*, 8 F. App'x 507, 508 (6th Cir. 2001) (affirming dismissal of case for lack of prosecution where *pro se* litigant failed to comply with "readily comprehended" order).

For these reasons, it is ORDERED that this case is DISMISSED WITHOUT PREJUDICE.

DATED: August 7, 2020

                                        BY THE COURT:

                                        /s/Terrence G. Berg
                                        TERRENCE G. BERG
                                        United States District Judge