

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

THOMAS DUANE RAMEY, :  
: .  
Plaintiff, :  
: .  
v. : CASE NO. 4:10-CV-6 CDL-MSH  
: 42 U.S.C. § 1983  
GEORGE D. MARTIN, III, :  
: .  
Defendant. :  
\_\_\_\_\_

**RECOMMENDATION OF DISMISSAL**

On May 2, 2011, this Court entered an Order for Status Update (ECF No. 17) requiring Plaintiff to provide information regarding the status of his state criminal charges which form the basis for his §1983 claims. Prior to the filing of this Order, Plaintiff's case has sat stagnant for over a year without any pleadings or updates from either party. On May 9, 2011, the Court's Order was returned from Plaintiff's last known address as undeliverable. (ECF No. 18.) Plaintiff has failed to timely respond to the Order for Status Update. Consequently, as Plaintiff was advised in that Order, the Court recommends dismissal of Plaintiff's complaint without prejudice for failure to prosecute and failure to comply with a court order. *See Fed. R. Civ. P. 41(b); see also Betty K. Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (explaining that a court may *sua sponte* dismiss an action pursuant to Federal Rules of Civil Procedure Rule 41(b)); *Smith v. Bruster*, No. 10-12098, 2011 WL 1533448, at \* 2 (11th Cir. Apr. 25,

2011) (“[T]he district court may *sua sponte* dismiss an action pursuant to Federal Rule of Civil Procedure 41(b) if the plaintiff fails to comply with court rules or a court order.”).

WHEREFORE, IT IS HEREBY RECOMMENDED that Plaintiff’s Complaint be DISMISSED without prejudice for failure to comply with a court order. Pursuant to 28 U.S.C. § 636(b)(1), Plaintiff may file objections to this Recommendation in writing with the UNITED STATES DISTRICT COURT within FOURTEEN (14) DAYS after being served with a copy hereof.

**SO RECOMMENDED** this 23rd day of May, 2011.

S/ Stephen Hyles  
UNITED STATES MAGISTRATE JUDGE