

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

HERRON LEE JOHNSON,

Plaintiff,

v.

Officer SIMMS, *et al.*,

Defendants.

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Case No. 4:26-cv-00256-CDL-CHW

ORDER

Pro se Plaintiff Herron Johnson, an inmate in the Muscogee County Jail in Columbus, Georgia, filed a civil rights complaint brought under 42 U.S.C. § 1983. 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 March 18, 2026, Plaintiff was ordered to pay the filing fee or if indigent, submit a motion to proceed *in forma pauperis*. ECF No. 3. 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 did not respond.

Therefore, on April 23, 2026, the Court notified Plaintiff that he failed to comply with an Order of the Court. ECF No. 4. 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 or otherwise address the filing fee as previously ordered. *Id.* Plaintiff was given fourteen (14) days to respond and he 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**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (first citing Fed. R. Civ. P. 41(b); then citing *Lopez v. Aransas Cnty. 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 21nd day of May, 2026.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA