

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

MARVIN BONILLA-BONILLA,

Plaintiff,

V.

**GEORGIA DEPARTMENT
OF CORRECTIONS, *et al.*,**

Defendants.

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NO. 5:23-cv-00015-TES-MSH

ORDER OF DISMISSAL

Plaintiff Marvin Bonilla-Bonilla, a prisoner in Central State Prison in Macon, Georgia, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. [Doc. 1]; [Doc. 7]; [Doc. 9]. Plaintiff also filed a motion for leave to proceed in this action *in forma pauperis*. [Doc. 8]; [Doc. 10]. Thereafter, the United States Magistrate Judge granted Plaintiff's motion to proceed *in forma pauperis* and ordered Plaintiff to pay an initial partial filing fee of \$18.17. [Doc. 11]. The Magistrate Judge gave Plaintiff fourteen days to pay the initial partial filing fee and cautioned Plaintiff that his failure to do so could result in the dismissal of this action. [*Id.*].

More than fourteen days passed after the Magistrate Judge entered that order, and Plaintiff did not pay the initial partial filing fee or otherwise respond to the order. Therefore, the Magistrate Judge ordered Plaintiff to show cause to the Court why this case should not be dismissed based on his failure to take the ordered actions. [Doc. 12]. The Magistrate Judge gave Plaintiff another fourteen days to respond and cautioned Plaintiff

that his failure to fully and timely respond would likely result in this Court dismissing this action. [*Id.*].

More than fourteen days have now passed since the Magistrate Judge entered the show cause order. In that time, Plaintiff has not paid the initial partial filing fee or responded to the show cause order. Thus, because Plaintiff has failed to comply with the previous orders or to otherwise prosecute his case, the Court now **DISMISSES** the complaint **WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (“The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.”) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 27th day of June, 2023.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT