

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

JOSHUA E. POWELL,

Plaintiff,

VS.

DOOLY STATE PRISON,

Defendant.

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NO. 5:25-cv-00405-TES-CHW

ORDER OF DISMISSAL

Plaintiff Joshua E. Powell, a prisoner in Dooly State Prison in Unadilla, Georgia, filed a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1. He also moved for leave to proceed *in forma pauperis* in this action. ECF No. 2. Thereafter, the United States Magistrate Judge ordered Plaintiff to submit a new motion to proceed *in forma pauperis*, including a certified copy of his trust fund account statement. ECF No. 7. The Magistrate Judge gave Plaintiff fourteen days to file his new motion to proceed *in forma pauperis* and cautioned Plaintiff that his failure to do so may result in the dismissal of this case. *Id.*

The time for compliance passed, and Plaintiff did not file a new motion to proceed *in forma pauperis* or otherwise respond to the Court's order. Therefore, the Magistrate Judge ordered Plaintiff to show cause why this case should not be dismissed based on his failure to file a new motion to proceed *in forma pauperis*. ECF No. 8. The Magistrate Judge gave Plaintiff another fourteen days to respond and cautioned him that his failure to do so may result in the dismissal of this case. *Id.*

More than fourteen days have passed since the Magistrate Judge entered that order, and Plaintiff has not filed a response or otherwise communicated with the Court. Thus, because Plaintiff has failed to comply with the Court's orders or to otherwise prosecute

this 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) (first citing Fed. R. Civ. P. 41(b); and then citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) (“The [C]ourt may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.”).

SO ORDERED, this 20th day of February, 2026.

S/ Tilman E. Self, III

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