

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

JODY SMITH,

Plaintiff,

v.

Doctor MARDIS, *et al.*,

Defendants.

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No. 5:26-cv-00181-TES-ALS

**PROCEEDINGS UNDER 42 U.S.C. § 1983
BEFORE THE U.S. MAGISTRATE JUDGE**

ORDER

Pro se Plaintiff Jody Smith, a prisoner at Macon State Prison in Oglethorpe, Georgia filed a complaint under 42 U.S.C. § 1983. ECF No. 1. On July 23, 2026, Plaintiff was ordered to recast his complaint and provided instructions on how to do so. ECF No. 4. Plaintiff was given fourteen days to submit his recast complaint and was informed that failure to comply with an order of the Court could result in dismissal of this action. *Id.* Plaintiff failed to respond. Therefore, on August 20, 2026, Plaintiff was ordered to show cause why this civil action should not be dismissed for failure to respond to the Court's order. ECF No. 10. Plaintiff was given fourteen days to respond or otherwise submit his recast complaint. *Id.* The time for compliance has passed and Plaintiff has failed to respond.

Because Plaintiff has failed to comply with the Court's orders or otherwise prosecute this case, his complaint is **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) ("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 Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)); *Duong Thanh Ho v. Costello*, 757 F. App'x 912 (11th Cir. 2018) (holding that the district court did not abuse its discretion in *sua sponte* dismissing without prejudice prisoner's pro se § 1983 complaint for failure to comply with court order to file amended complaint where order expressly informed prisoner of deficiencies in his complaint and rules that he needed to follow in filing amended complaint).

SO ORDERED, this 18th day of September, 2026.

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