

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

DERRIMESHIA DENNIS,	::	HABEAS CORPUS
Petitioner,	::	28 U.S.C. § 2254
	::	
v.	::	
	::	
WENDY JACKSON,	::	CIVIL ACTION NO.
Respondent.	::	3:26-CV-0013-LMM-RGV

FINAL REPORT AND RECOMMENDATION

On January 28, 2026, the Court ordered petitioner to either pay the full \$5.00 statutory filing fee or submit a financial affidavit seeking leave to proceed in forma pauperis within thirty days. [Doc. 5]. The Court advised petitioner that failure to timely comply with the Order could result in the dismissal of this action. [Id. at 2]. After the deadline expired and petitioner had not complied, the Court entered another Order on March 6, 2026, directing her to either pay the fee or submit a financial affidavit as previously ordered and to show cause why this action should not be dismissed for failure to prosecute within twenty-one days and reminding her that failure to respond could result in the dismissal of this action. [Doc. 6]. More than twenty-one days have passed since entry of that Order, but petitioner has not responded, paid the filing fee, submitted a financial affidavit, or taken any other steps to prosecute this case.

“Pursuant to Fed.R.Civ.P. 41(b), a district court may *sua sponte* dismiss a plaintiff’s action for failure to comply with the rules or any order of the court.” Owens v. Pinellas Cnty. Sheriff’s Dep’t, 331 F. App’x 654, 656 (11th Cir. 2009) (per curiam) (citing Lopez v. Aransas Cnty. Indep. Sch. Dist., 570 F.2d 541, 544 (5th Cir. 1978)¹). “In addition to its power under Rule 41(b), a court also has the inherent ability to dismiss a claim in light of its authority to enforce its orders and provide for the efficient disposition of litigation.” Zocaras v. Castro, 465 F.3d 479, 483 (11th Cir. 2006) (citing Link v. Wabash R.R., 370 U.S. 626, 630-31 (1962)).

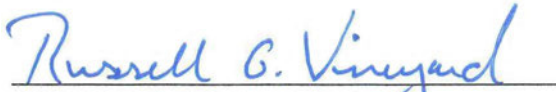
The Court’s Local Rules also provide that “[t]he court may, with or without notice to the parties, dismiss a civil case for want of prosecution if . . . [a] plaintiff . . . shall, after notice, . . . fail or refuse to obey a lawful order of the court in the case.” LR 41.3A(2), NDGa. Because petitioner has failed to comply with the Court’s Orders to either pay the filing fee or submit a financial affidavit and to show cause why this action should not be dismissed for failure to prosecute, this case should be dismissed. See Wimbush v. Georgia, 673 F. App’x 965, 968 (11th Cir. 2016) (per curiam) (affirming dismissal of prisoner’s civil rights complaint for failure to

¹ Decisions of the Fifth Circuit rendered before October 1, 1981, are binding precedent in the Eleventh Circuit. Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc).

obey the court's orders); Milton v. Everhome Mortg. Co., No. 1:11-CV-2340-TWT-JFK, 2011 WL 4975512, at *1-2 (N.D. Ga. Sept. 15, 2011) (recommending dismissal of pro se complaint without prejudice where plaintiff failed to comply with court order to complete and return service forms after being advised that failure to comply could result in dismissal and after failing to respond to show cause order), adopted by, 2011 WL 4975442 (N.D.Ga. Oct 18, 2011); Wyche v. Frazier, No. 1:07-CV-1962-TWT, 2008 WL 544925, at *1 (N.D. Ga. Feb. 26, 2008), adopted at *1 (dismissing pro se habeas petition without prejudice where petitioner failed to comply with court order to pay the \$5.00 filing fee, despite forewarning that failure to do so could result in dismissal). For the foregoing reasons, it is **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** for petitioner's failure to prosecute and failure to obey the Court's Orders of January 28, 2026, and March 6, 2026.

The Clerk is **DIRECTED** to terminate the referral to the Magistrate Judge.

SO RECOMMENDED, this 8th day of April, 2026.


RUSSELL G. VINEYARD
UNITED STATES MAGISTRATE JUDGE