

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

RODERICK FRANK FOSTER,	:	
	:	
Plaintiff,	:	
	:	NO. 5:16-CV-309-MTT
VS.	:	
	:	
STATE OF GEORGIA, et al.,	:	
	:	
Defendants.	:	
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ORDER OF DISMISSAL

Plaintiff RODERICK FRANK FOSTER, a prisoner at Central State Prison in Macon, Georgia, filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. (Doc. 1). Although he moved to proceed *in forma pauperis*, he failed to include a certified copy of his prison trust fund account statement. (Doc. 2). The Court, therefore, ordered Plaintiff to either pay the \$400.00 filing fee or submit a certified copy of his prison trust fund account statement. (Doc. 5). Plaintiff failed to respond. As a result, the Court ordered Plaintiff to show cause why his case should not be dismissed for failure to comply with the Court’s previous Order. (Doc. 6). Plaintiff was given twenty-one days from September 19, 2016 to respond. (Doc. 6). Plaintiff has again failed to respond.

Plaintiff’s claims are **DISMISSED WITHOUT PREJUDICE**¹ because of his

¹ Although difficult to decipher, it appears that Plaintiff is alleging he was denied access to the courts in May 2016 when Bibb County Superior Court Judge Howard Simms and others caused his timely motion for reconsideration to be untimely filed in the Georgia Supreme Court. (Doc. 1 at 5-6). Thus, the applicable two-year statute of limitations

failure to comply with the Court's Orders.

SO ORDERED this 25th day of October, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

would not prevent Plaintiff from re-filing this action should he so desire.