

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Brandon Richard Lind v. State of Georgia

No. 5:25-cv-00324-TES-CHW · No. No. 5:25-cv-00324-TES-CHW · Decided December 11, 2025

SUMMARY

The United States District Court for the Middle District of Georgia dismissed Brandon Richard Lind’s 28 U.S.C. § 2254 petition without prejudice. The dismissal was based on Lind’s failure to comply with orders requiring a properly formatted petition and an in forma pauperis application, and his failure to respond to a subsequent show-cause order.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Tilman E. Self, III
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	December 11, 2025
DOCKET	No. 5:25-cv-00324-TES-CHW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a handwritten document docketed as a 28 U.S.C. § 2254 habeas petition. After petitioner failed to refile on the required form, submit a renewed in forma pauperis application, or respond to a show-cause order, the district court dismissed the petition without prejudice for failure to comply with court orders and failure to prosecute.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Brandon Richard Lind v. State of Georgia

TOPICS

- federal habeas corpus
- post-conviction relief
- sanctions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could dismiss the § 2254 action without prejudice under Federal Rule of Civil Procedure 41(b) because petitioner failed to obey court orders and failed to prosecute the case.

HOLDINGS

1. A district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when the petitioner fails to prosecute the action or fails to obey a court order; Lind's repeated noncompliance warranted dismissal of his petition without prejudice.

KEY QUOTATIONS

“The [C]ourt may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.” (2)

FACTUAL BACKGROUND

Lind submitted a handwritten document that was not on the required form for a § 2254 petition. Despite two orders providing additional opportunities and warnings, he did not file a recast petition, a new in forma pauperis application, a response to the show-cause order, or otherwise communicate with the court.

PROCEDURAL HISTORY

Lind initiated the action with a handwritten filing that was docketed as a § 2254 petition. The magistrate judge ordered him to file a recast petition and a new application to proceed in forma pauperis, then issued a show-cause order after he failed to comply. Lind did not respond to either order, and the district court dismissed the petition without prejudice under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- Brown v. Tallahassee Police Dep't, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam)
- Lopez v. Aransas Cnty. Indep. Sch. Dist., 570 F.2d 541, 544 (5th Cir. 1978)

OPINION

LIND

PER CURIAM.

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

BRANDON RICHARD LIND, : Petitioner, : V. : NO. 5:25-cv-00324-TES-CHW STATE OF GEORGIA, : Respondent. :

ORDER OF DISMISSAL

Petitioner Brandon Richard Lind filed a handwritten document, which was docketed in this Court as a 28 U.S.C. § 2254 petition for a writ of habeas corpus. ECF No. 1. Because this document was not on the form for a § 2254 petition, the United States Magistrate Judge ordered Petitioner to refile his petition on the proper form if he wanted to proceed with this action. ECF No. 7. The Magistrate Judge also ordered Petitioner to complete this Court's application for leave to proceed in forma pauperis. Id. The Magistrate Judge gave Petitioner fourteen days to file his recast petition and new motion to proceed in forma pauperis and cautioned him that his failure to do so may result in the Court dismissing this case. Id. More than fourteen days passed after the Magistrate Judge entered that order, and Petitioner did not submit a recast petition or a new motion to proceed in forma pauperis. Moreover, Petitioner did not otherwise respond to the Court's order. Therefore, the Magistrate Judge ordered Petitioner to show cause why this case should not be dismissed based on his failure to file a recast petition and new motion to proceed in forma pauperis. ECF No. 8. The Magistrate Judge gave Petitioner another fourteen days to respond and cautioned him that his failure to do so would likely result in the Court dismissing this case. Id. More than fourteen days have passed since the Magistrate Judge entered the show cause order, and Petitioner has not responded to that order or otherwise communicated with the Court. Because Petitioner has failed to comply with the Court's orders or to otherwise prosecute this case, the Court now DISMISSES the petition 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 11th day of December, 2025. S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE

UNITED STATES DISTRICT COURT