

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

Andre Fragher v. Gwinnett County Department of Corrections

Fragher · No. 5:25-cv-00510-TES-CHW · Decided March 5, 2026

OPINION

IFNO TRH TEH UE NMITIDEDDL SET DAITSETSR DICISTT ORFI CGTE COORUGRIAT MACON DIVISION ANDRE FRAGHER,: Plaintiff,: VS.: No. 5:25-cv-00510-TES-CHW GWINNETT COUNTY: DEPARTMENT OF: CORRECTIONS,: Defendant.: ORDER Plaintiff Andre Fragher, an inmate who was confined in the Gwinnett County Prison in Lawrenceville, Georgia, filed a document in the United States District Court for the Northern District of Georgia.

ECF No. 1. That court noted that it is not clear whether Plaintiff sought to file a habeas petition under 28 U.S.C. § 2254 or a complaint for violation of civil rights pursuant to 42 U.S.C. § 1983. ECF No. 2 at 1 n.1.

The court also determined that either action should have been filed in the United States District Court for the Middle District of Georgia and transferred the action to this Court. ECF No. 2, ECF No. 3. On December 4, 2025, the Court ordered Plaintiff to clarify what action he sought to file and to either pay the filing fee or move to proceed in forma pauperis.

ECF No. 5. The Court provided Plaintiff with the necessary forms for him to use for either civil action. *Id.* Plaintiff was given fourteen days to respond, and he failed to do so. The Court, therefore, ordered Plaintiff to show cause why his action should not be dismissed for his failure to respond to the December 4, 2025 Order. ECF No. 7. Plaintiff was again given fourteen days to respond and informed that failure to respond would result in the dismissal of his action.

Id. Plaintiff has not responded. Additionally, mail forwarded to Plaintiff has been returned to the Court as “undeliverable,” showing that Plaintiff is no longer confined in Gwinnett County Prison and Plaintiff has failed to keep the Court informed of his current address. ECF No. 8. Due to Plaintiff’s failure to follow the Court’s Orders and prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**.

Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep’t*, 205 F. App’x 802, 802 (11th Cir. 2006) (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 court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.”). **SO ORDERED**, this 5th day of March, 2026.

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

