

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA**

Keith Goins v. Warden Stonebreaker

Goins · No. 5:25-cv-11507-JD · Decided December 3, 2025

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA
Keith Goins,) C/A No.: 5:25-cv-11507-JD) Petitioner,)) v.) OPINION AND ORDER) Warden
Stonebreaker,)) Respondent.)) Keith Goins (“Petitioner”) is an inmate incarcerated at Evans
Correctional Institution. Petitioner filed this action seeking habeas corpus relief under 28 U.S.C. §
2254.

On August 28, 2025, the Court advised Petitioner that his habeas petition was not in proper form for review and directed Petitioner to pay the five-dollar filing fee for a habeas corpus action or complete and return an application to proceed in forma pauperis. (DE 8.) Petitioner was warned that failure to comply with the court’s order by September 18, 2025, may result in dismissal of the case.

(Id.) The time for Petitioner to file a response to the August 28, 2025, order has expired, and Petitioner is presumed to have received the proper form order. However, Petitioner has not submitted a response to the Court’s order. It is well established that a district court has authority to dismiss a case for failure to prosecute. “The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an ‘inherent power,’ governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” See *Link v. Wabash R.R.*

Co., 370 U.S. 626, 630-31 (1962). In addition to its inherent authority, this court may also sua sponte dismiss a case for lack of prosecution under Federal Rules of Civil Procedure 41(b). *Ud.* at 630.) As Petitioner has failed to prosecute this case and has failed to comply with an order of this Court, the case is DISMISSED without prejudice pursuant to Rule 41 of the Federal Rules of Civil Procedure.

And it is ORDERED that a certificate of appealability is denied because Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). IT IS SO ORDERED. C) bsaphir— bacson December 38, 2025 Joseph Dawson, III Florence, South Carolina United States District Judge NOTICE OF RIGHT TO APPEAL The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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