

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

Brian K. Roberts v. Angela Phams, et al.

Roberts · No. 5:25-cv-00476-MTT-CHW · Decided February 18, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION BRIAN K. ROBERTS,; Plaintiff,; Case No. 5:25-cv-00476-MTT-CHW v.;
ANGELA PHAMS, et al.,; Defendants.: ORDER Pro se Plaintiff Brian Keith Roberts, while a
prisoner at Riverbend Correctional Facility in Milledgeville, Georgia, filed a complaint in the
Superior Court of Baldwin County, Georgia.

ECF No. 1. Plaintiff's civil action was removed to this Court. See *id.* On November 19, 2025, a
preliminary review of Plaintiff's complaint pursuant to 28 U.S.C. § 1915A revealed that his
pleading was deficient and he was ordered to recast his complaint so that it complied with the
Federal Rules of Civil Procedure and so that it stated a claim for which relief could be granted.

ECF No. 4. Plaintiff was given fourteen days to comply with the Court's order and was informed
that failure to comply could result in dismissal of this action. *Id.* at 9-10. On December 12, 2025,
the Court's order was returned to the Court as undeliverable. ECF No. 5.

Although not required to do so, the Court was able to determine that Plaintiff was no longer
housed at Riverbend Correctional Facility but had been transferred to Wilcox State Prison in
Abbeville, Georgia. See ECF No. 6 at 1.

On December 16, 2025, the Court mailed the order to recast (ECF No. 4) to Plaintiff at Wilcox
State Prison. Plaintiff failed to respond. Therefore, on January 15, 2026, Plaintiff was ordered to
show cause why this civil action should not be dismissed for failure to comply with an order of the
Court. ECF No. 6.

The Court informed Plaintiff that this action could be dismissed if he failed to respond to the order
to show cause or otherwise file his amended complaint as instructed. *Id.* Plaintiff was given
fourteen (14) days to comply with the Court's order. *Id.* Plaintiff has again failed to respond.

Because Plaintiff has failed to comply with the Court's orders or otherwise prosecute this case, his
complaint is DISMISSED WITHOUT PREJUDICE. See Fed. R. Civ. P. 41(b); *Brown v.*
Tallahassee Police Dep't, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an
action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.")
(citing Fed.

R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)); *Duong Thanh Ho v. Costello*, 757 F. App'x 912 (11th Cir. 2018) (holding that the district court did not abuse its discretion in sua sponte dismissing without prejudice prisoner's pro se § 1983 complaint for failure to comply with court order to file amended complaint where order expressly informed prisoner of deficiencies in his complaint and rules that he needed to follow in filing amended complaint).

Due to the Court's dismissal pursuant to Rule 41(b), Defendants' motion to dismiss (ECF No. 3) is DENIED as moot. SO ORDERED, this 18th day of February, 2026. S/ Marc T. Treadwell_____ MARC T. TREADWELL, JUDGE UNITED STATES DISTRICT COURT 2