

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, FORT WORTH DIVISION

Mikel Young v. Dave Reeves, et al.

Young · No. 4:26-cv-0095-P · Decided February 17, 2026

SUMMARY

A United States magistrate judge recommends dismissing Mikel Young’s civil action without prejudice for failure to comply with an order requiring payment of filing fees or submission of a complete in forma pauperis application. The recommendation relies on Federal Rule of Civil Procedure 41(b) and advises the parties of their right to object within fourteen days.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Fort Worth Division
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Northern District of Texas, Fort Worth Division
DECIDED	February 17, 2026
DOCKET	4:26-cv-0095-P
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff's civil complaint was referred to a United States magistrate judge for judicial screening. After the plaintiff failed to pay the filing and administrative fees or submit a complete in forma pauperis application by the court-ordered deadline, the magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	The recommendation states that the district judge must conduct a de novo determination of those portions of the magistrate judge's proposed findings and conclusions to which specific objections are timely made under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- sanctions

PRACTICE AREAS

civil procedure

federal courts

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order and failure to prosecute.
2. Whether the plaintiff's failure to pay the required filing fees or submit a complete in forma pauperis application warranted dismissal.

HOLDINGS

1. The magistrate judge recommended that the complaint be dismissed without prejudice because Plaintiff failed to pay the required fees or file a complete in forma pauperis application after being ordered to do so, and failed to prosecute the action.

KEY QUOTATIONS

"It is therefore RECOMMENDED that Plaintiff's complaint be DISMISSED for lack of prosecution, without prejudice to being refiled." (Recommendation)

FACTUAL BACKGROUND

Mikel Young filed a civil complaint but did not pay the required \$405 filing and administrative fees and submitted an incomplete long-form in forma pauperis application. After the court ordered him to cure the deficiency by February 12, 2026, and warned that failure to comply could result in dismissal, Young took no corrective action, sought no extension, and did not communicate with the court.

PROCEDURAL HISTORY

Plaintiff filed the action on December 30, 2025, and the case was transferred from the Dallas Division to the Fort Worth Division. The court found his long-form in forma pauperis application deficient and ordered him on January 29, 2026, to pay \$405 or file a complete application within fourteen days, warning that noncompliance could result in dismissal under Rule 41(b). Plaintiff did neither and did not seek an extension or otherwise communicate with the court, prompting the recommendation of dismissal without prejudice for failure to prosecute.

DISPOSITION

other

CASES CITED

- McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629-31 (1962)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION MIKEL YOUNG, § § Plaintiff, § v. § Civil Action No. 4:26-cv-0095-P
§ DAVE REEVES, et al., § § Defendants. § FINDINGS, CONCLUSIONS AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE On December 30,
2025, pro se Plaintiff Mikel Young filed a civil complaint that was recently transferred here from
the Dallas Division and referred to the undersigned for judicial screening pursuant to 28 U.S.C. §
636(b) and Special Order 3.

ECF Nos. 1, 7, 8. The findings, conclusions and recommendation of the United States Magistrate
Judge are as follows: FINDINGS AND CONCLUSIONS: A. NATURE OF THE CASE This case
is a new civil action. B. PARTIES Mikel Young is the plaintiff. He names Dave Reeves, Mark
Lyles, Jeff Schenfeld, and Raymond Bell as defendants. C. LEGAL ANALYSIS To proceed with a
civil action in this Court, a plaintiff must either pay the \$405 filing and administrative fees or be
granted permission to proceed in forma pauperis (IFP).

See 28 U.S.C. §§ 1914, 1915. When Plaintiff filed his complaint, he also filed a long-form IFP
application. ECF No. 5. However, the Court determined that it was deficient because Plaintiff did
not complete all sections of the form. ECF No. 10.

On January 29, 2026, the Court ordered Plaintiff to cure this deficiency within 14 days, by either
paying \$405 to the clerk of Court or filing a complete long- form IFP application. Id. The Court
mailed Plaintiff a copy of the form necessary to comply.

In addition, the Court explicitly warned Plaintiff that failure to timely comply could result in
dismissal of this case without further notice under Federal Rule of Civil Procedure 41(b). Id. Rule
41(b) permits a court to dismiss an action sua sponte for failure to prosecute or follow orders of
the court. *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir.

1988). This authority flows from a court's inherent power to control its docket, prevent undue
delays in the disposition of pending cases, and avoid congested court calendars. *Link v. Wabash
R.R. Co.*, 370 U.S. 626, 629-31 (1962).

The deadline for Plaintiff to comply with the Court's January 29 order expired on February 12. To
date, Plaintiff has not complied, sought an extension of time to do so, or otherwise attempted to
cure his filing deficiency or communicate with the Court about his case.

Because Plaintiff has not paid the requisite fees or obtained permission to proceed IFP, this case is
subject to dismissal for failure to comply with a Court order and for lack of prosecution under
Rule 41(b). RECOMMENDATION It is therefore RECOMMENDED that Plaintiff's complaint be
DISMISSED for lack of prosecution, without prejudice to being refiled. See FED.

R. CIV. P. 41(b). NOTICE OF RIGHT TO OBJECT TO PROPOSED FINDINGS, CONCLUSIONS, AND RECOMMENDATION AND CONSEQUENCES OF FAILURE TO OBJECT A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law.

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions, and recommendation within fourteen (14) days after the party has been served with a copy of this document.

The United States District Judge need only make a de novo determination of those portions of the United States Magistrate Judge's proposed findings, conclusions, and recommendation to which specific objection is timely made. See 28 U.S.C. § 636(b)(1). Failure to file by the date stated above a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge.

See *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1428-29 (Sth Cir. 1996) (en banc), superseded by statute 28 U.S.C. § 636(b)(1) (extending the deadline to file objections from ten to fourteen days). It is further ORDERED that the above-styled and numbered action, previously referred to the undersigned for findings, conclusions, and recommendation, be and is hereby, RETURNED to the docket of the United States District Judge.

It is so ORDERED on February 17, 2026. C uit moni UNM E® STATES MAGISTRATE JUDGE