

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION

Brodrick Eugene Davis v. Nick Wright, et al.

Davis · No. 2:25-CV-122-Z-BR · Decided January 26, 2026

SUMMARY

A United States Magistrate Judge recommends dismissing Brodrick Eugene Davis’s pro se civil-rights complaint without prejudice under Federal Rule of Civil Procedure 41(b). The recommendation is based on Davis’s failure to comply with an order requiring him to file a notice of intent to proceed after an apparent change of Bureau of Prisons facility and address.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Amarillo Division
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Northern District of Texas, Amarillo Division
DECIDED	January 26, 2026
DOCKET	2:25-CV-122-Z-BR
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se prisoner plaintiff failed to comply with an order requiring him to file a notice of intent to proceed and update or confirm his address. The magistrate judge issued findings, conclusions, and a recommendation that the complaint be dismissed without prejudice under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	Dismissal under Federal Rule of Civil Procedure 41(b) may be imposed sua sponte for failure to prosecute or failure to comply with the Federal Rules of Civil Procedure or a court order.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because the plaintiff failed to comply with a court order and failed to prosecute the action.

HOLDINGS

1. Dismissal without prejudice was appropriate because Davis failed to comply with the court's order and the action could not proceed without his compliance.
2. Davis's pro se status did not exempt him from complying with applicable procedural rules or the court's order.

KEY QUOTATIONS

“This authority [under Rule 41(b)] flows from the court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.”

“A pro se litigant is not exempt from compliance with relevant rules of procedural and substantive law.”

FACTUAL BACKGROUND

Brodrick Eugene Davis, proceeding pro se and while incarcerated, filed a complaint alleging that unknown defendants violated his civil rights. The court later determined that Davis appeared to have changed Bureau of Prisons facilities without updating his address and ordered him to file a notice of intent to proceed. Davis missed the January 20, 2026 deadline and did not otherwise respond despite being given ample opportunity to comply.

PROCEDURAL HISTORY

Davis filed a civil-rights complaint on June 6, 2025. After the court ordered him to file a notice of intent to proceed by January 20, 2026, Davis neither complied nor otherwise responded. The magistrate judge recommended dismissal without prejudice, subject to the parties' right to object under 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b)(2).

DISPOSITION

dismissed

CASES CITED

- *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998)
- *Boudwin v. Graystone Insurance Co.*, 756 F.2d 399, 401 (5th Cir. 1985)
- *Link v. Wabash Railroad Co.*, 370 U.S. 626, 82 S. Ct. 1386 (1962)
- *Birl v. Estelle*, 660 F.2d 592, 593 (5th Cir. 1981)
- *Edwards v. Harris County Sheriff's Office*, 864 F. Supp. 633, 637 (S.D. Tex. 1994)

- Kersh v. Derozier, 851 F.2d 1509, 1512 (5th Cir. 1988)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)
- ACS Recovery Services, Inc. v. Griffin, 676 F.3d 512, 521 n.5 (5th Cir. 2012)
- Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988)

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