

**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

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION BRODRICK EUGENE DAVIS, § § Plaintiff, § § v. § 2:25-CV-122-Z-
BR § NICK WRIGHT, et al., § § Defendants. § FINDINGS, CONCLUSIONS AND
RECOMMENDATION TO DISMISS COMPLAINT On June 6, 2025, Plaintiff Brodrick Eugene
Davis, acting pro se and while a prisoner, filed a Complaint alleging that unknown defendants
violated his civil rights.

(ECF 4). On December 18, 2025, the Court issued an order requiring Plaintiff to file a Notice of
Intent to Proceed if he intended to continue with this case, since it appeared that he had changed
U.S. Bureau of Prisons facilities but had not updated his address. Davis's deadline for compliance
was January 20, 2026, but he has failed to either comply or otherwise respond to the order.

The Court has given Davis ample opportunity to comply with the Order, yet he has not done so.
Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action sua sponte
for failure to prosecute or for failure to comply with the federal rules or any court order. *Larson v.*
Scott, 157 F.3d 1030, 1031 (5th Cir. 1988); see FED. R. CIV. P. 41. "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." *Boudwin v. Graystone Ins.*

Co., 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 82 S. Ct.
1386 (1962)). A pro se litigant is not exempt from compliance with relevant rules of procedural
and substantive law. *Birl v. Estelle*, 660 F.2d 592, 593 (Sth Cir. 1981); *Edwards v. Harris County*
Sheriff's Office, 864 F. Supp. 633, 637 (S.D. Tex. 1994). A pro se litigant who fails to comply with
procedural rules has the burden of establishing excusable neglect, which is a strict standard
requiring proof of more than mere ignorance.

Kersh v. Derozier, 851 F.2d 1509, 1512 (Sth Cir.1988); *Birl*, 660 F.2d at 593. Dismissal without
prejudice under Rule 41(b) is appropriate here. Davis's failure to comply with the Court's Order
appears to reflect an intent to abandon this lawsuit rather than to create purposeful delay.
Regardless, this case cannot proceed without his compliance. RECOMMENDATION It is the
RECOMMENDATION of the United States Magistrate Judge that the Complaint filed by
Brodrick Eugene Davis (ECF 4) be DISMISSED without prejudice.

INSTRUCTIONS FOR SERVICE The United States District Clerk is directed to send a copy of this Findings, Conclusions and Recommendation to each party by the most efficient means available. IT IS SO RECOMMENDED. ENTERED January 26, 2026. UNITED STATES MAGISTRATE JUDGE * NOTICE OF RIGHT TO OBJECT * Any party may object to these proposed findings, conclusions and recommendation.

In the event parties wish to object, they are hereby NOTIFIED that the deadline for filing objections is fourteen (14) days from the date of filing as indicated by the “entered” date directly above the signature line. Service is complete upon mailing, Fed. R. Civ. P. 5(b)(2)(C), or transmission by electronic means, Fed. R. Civ. P. 5(b)(2)(E). Any objections must be filed on or before the fourteenth (14th) day after this recommendation is filed as indicated by the “entered” date.

See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b)(2); see also Fed. R. Civ. P. 6(d). Any such objections shall be made in a written pleading entitled “Objections to the Findings, Conclusions and Recommendation.” Objecting parties shall file the written objections with the United States District Clerk and serve a copy of such objections on all other parties. A party’s failure to timely file written objections shall bar an aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings, legal conclusions, and recommendation set forth by the Magistrate Judge and accepted by the district court.

See *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc), superseded by statute on other grounds, 28 U.S.C. § 636(b)(1), as recognized in *ACS Recovery Servs., 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).