

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION

Aaron Flota v. Grayson County Jail

Flota · No. 4:25cv1039 · Decided March 17, 2026

SUMMARY

The United States District Court for the Eastern District of Texas dismissed Aaron Flota’s 42 U.S.C. § 1983 action against Grayson County Jail without prejudice. The court dismissed the case sua sponte under Federal Rule of Civil Procedure 41(b) for failure to prosecute because Plaintiff did not update his mailing address after mail was returned as undeliverable.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	March 17, 2026
DOCKET	4:25cv1039
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought a civil-rights action under 42 U.S.C. § 1983. After mail to plaintiff was returned as undeliverable and plaintiff failed to provide an updated address, the court considered sua sponte dismissal for failure to prosecute.
STANDARD OF REVIEW	A dismissal for failure to prosecute is committed to the sound discretion of the district court and is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	unpublished
PARTIES	Aaron Flota v. Grayson County Jail

TOPICS

- civil procedure
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether the court could dismiss the action sua sponte for failure to prosecute when the plaintiff failed to maintain a current mailing address.
2. Whether dismissal for failure to prosecute should be without prejudice.

HOLDINGS

1. A district court may sua sponte dismiss an action for failure to prosecute when necessary for the orderly and expeditious disposition of the case, and a plaintiff's failure to provide an updated mailing address constitutes a failure to prosecute under the circumstances presented.
2. The action should be dismissed without prejudice for failure to prosecute.

KEY QUOTATIONS

“Not only may a district court dismiss for want of prosecution upon motion of a defendant, but it may also dismiss an action sua sponte when necessary to achieve the orderly and expeditious disposition of a case.”

“In this case, Plaintiff’s failure to submit an updated mailing address evinces his failure to prosecute his case.”

FACTUAL BACKGROUND

Plaintiff Aaron Flota filed a pro se civil-rights action under 42 U.S.C. § 1983. Mail sent to him was returned as undeliverable after he was released, and he did not notify the Clerk of Court of a new address. The court treated that failure as a failure to prosecute the action.

PROCEDURAL HISTORY

Plaintiff filed a § 1983 action and consented to proceedings before the assigned United States Magistrate Judge. Mail sent to plaintiff was returned marked “RTS [return to sender] – Not Here – Released 12/22/25.” Plaintiff did not update his address with the Clerk of Court. The court dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) and denied pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Green v. Forney Eng’g Co., 589 F.2d 243, 247 (5th Cir. 1979)
- Lopez v. Aransas Cnty. ISD, 570 F.2d 541, 544 (5th Cir. 1978)
- Link v. Wabash R. Co., 370 U.S. 626, 629–31 (1962)
- Anthony v. Marion Cnty. Gen. Hosp., 617 F.2d 1164, 1167 (5th Cir. 1980)
- Johnson v. Dir., TDCJ-CID, No. 6:20CV081, 2023 WL 2396910, at *1 (E.D. Tex. Feb. 3, 2023)
- Montgomery v. Keal, No. CIV.A.1:05-CV-5, 2009 WL 1408512, at *2 (E.D. Tex. May 19, 2009)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION AARON FLOTA § § VS. § CIVIL ACTION NO. 4:25cv1039 §
GRAYSON COUNTY JAIL § MEMORANDUM OPINION AND ORDER Pro se Plaintiff Aaron
Flota filed a civil rights action pursuant to 42 U.S.C. § 1983.

The action was assigned to the undersigned United States Magistrate Judge in accordance with the Standing Order Assigning Prisoner Civil Rights Cases Filed in the Sherman Division to a Magistrate Judge. (Dkt. #2). Plaintiff consented to have the undersigned conduct all proceedings. (Dkt. #4). Mail that was sent to Plaintiff was returned and marked “RTS [return to sender] – Not Here – Released 12/22/25.” (Dkt. ##13, 15).

It is Plaintiff’s responsibility to notify the Clerk of Court of his new address. See Loc. R. CV-11(d). Because Plaintiff has not updated his address with the court, he has failed to prosecute his case. The exercise of the power to dismiss for failure to prosecute is committed to the sound discretion of the court; appellate review is only for abuse of that discretion.

Green v. Forney Eng’g Co., 589 F.2d 243, 247 (5th Cir. 1979); *Lopez v. Aransas Cnty. ISD*, 570 F.2d 541, 544 (5th Cir. 1978). Not only may a district court dismiss for want of prosecution upon motion of a defendant, but it may also dismiss an action sua sponte when necessary to achieve the orderly and expeditious disposition of a case. *Link v. Wabash R. Co.*, 370 U.S. 626, 629–31 (1962); *Anthony v. Marion Cnty.*

Gen. Hosp., 617 F.2d 1164, 1167 (5th Cir. 1980). In this case, Plaintiff’s failure to submit an updated mailing address evinces his failure to prosecute his case. See *Johnson v. Dir., TDCJ- CID*, No. 6:20CV081, 2023 WL 2396910, at *1 (E.D. Tex. Feb. 3, 2023), report and recommendation adopted, No. 6:20CV081, 2023 WL 2390667 (E.D. Tex. Mar. 6, 2023); *Montgomery v. Keal*, No. CIV.A.1:05-CV-5, 2009 WL 1408512, at *2 (E.D.

Tex. May 19, 2009). Therefore, the case should be dismissed for failure to prosecute. It is accordingly ORDERED that the case is DISMISSED without prejudice. Fed. R. Civ. P. 41(b). Any pending motions are denied as moot.