

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Nathan Cook v. Groveport Madison Local School District, et al.

Cook · No. 2:25-cv-1117 · Decided February 18, 2026

SUMMARY

This Report and Recommendation addresses Plaintiff Nathan Cook’s failure to comply with service-related orders and to respond to show-cause orders. The magistrate judge recommends dismissing the complaint for failure to prosecute under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Kimberly A. Jolson
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	February 18, 2026
DOCKET	2:25-cv-1117
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation recommending dismissal of the complaint for failure to prosecute after Plaintiff failed to comply with service-related orders and show-cause orders.
STANDARD OF REVIEW	For a Rule 41(b) dismissal for failure to prosecute, the court considers whether the party's failure resulted from willfulness, bad faith, or fault; whether the opposing party was prejudiced; whether the party was warned that failure to cooperate could result in dismissal; and whether less drastic sanctions were imposed or considered. Objections to the report and recommendation receive de novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Nathan Cook v. Groveport Madison Local School District, Groveport Madison Board of Education, Franklin County Children Services, Unspecified individual employees of the District and Franklin County Children Services

TOPICS

civil procedure

sanctions

service of process

PRACTICE AREAS

civil procedure

civil rights

disability discrimination

federal courts

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with court orders.
2. Whether the four-factor test governing Rule 41(b) dismissal supported dismissal despite the limited risk of prejudice to defendants who had not been served.
3. Whether the Court should impose a lesser sanction instead of dismissal.

HOLDINGS

1. Federal Rule of Civil Procedure 41(b), together with the court's inherent authority, permits involuntary dismissal for failure to prosecute or failure to comply with procedural rules or court orders.
2. The four factors identified by the Sixth Circuit supported dismissal because Plaintiff's repeated noncompliance demonstrated fault or willfulness, the Court had warned him that dismissal could result, and lesser sanctions would be futile, even though defendants faced little prejudice because they had not been served.

KEY QUOTATIONS

"The Sixth Circuit directs the district courts to consider the following four factors in deciding whether to dismiss an action for failure to prosecute under Rule 41(b):" (Discussion)

"In view of the foregoing, the Undersigned concludes Plaintiff has abandoned this action." (Discussion)

"For the foregoing reasons, the Undersigned RECOMMENDS Plaintiff's Complaint (Doc. 11) be DISMISSED for failure to prosecute." (Conclusion)

FACTUAL BACKGROUND

Nathan Cook brought claims individually and as parent and next friend of his tracheostomy-dependent minor child, alleging that school-district and related defendants denied the child educational services because of disability and violated federal and constitutional rights. The Court repeatedly directed Cook to submit proper service forms for the school district and Board of Education and to file a status report regarding efforts to obtain counsel for claims asserted on the child's behalf. Cook did not comply with those orders or respond to two show-cause orders, preventing service and bringing the case to a halt.

PROCEDURAL HISTORY

Plaintiff filed the action in September 2025, asserting disability-discrimination, constitutional, and civil-conspiracy claims. The Court dismissed claims against Franklin County Children Services because it could not

be sued in its own right, repeatedly ordered Plaintiff to submit proper service forms for the District and Board, and ordered a status report concerning counsel for claims brought on behalf of his minor child. Plaintiff failed to submit the required service forms, failed to file the status report, and failed to respond to two show-cause orders. The magistrate judge recommended dismissal under Federal Rule of Civil Procedure 41(b), subject to de novo review by the district judge upon proper objection.

DISPOSITION

other

CASES CITED

- Chambers v. Nasco, Inc., 501 U.S. 32, 49 (1991)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629-32 (1962)
- Knoll v. AT&T, 176 F.3d 359, 363 (6th Cir. 1999)
- Schafer v. City of Defiance Police Department, 529 F.3d 731, 737 (6th Cir. 2008)
- Wu v. T.W. Wang, Inc., 420 F.3d 641, 643 (6th Cir. 2005)
- Manning v. Diversified Collection Services, Inc., No. 3:09-CV-153, 2010 WL 1438735 (S.D. Ohio Apr. 9, 2010)
- Wilson v. T.D.O.C., No. 1:17-CV-348, 2018 WL 4006781, at *2 (E.D. Tenn. Aug. 22, 2018)
- Grange Mutual Casualty Co. v. Mack, 270 F. App'x 372, 377
- Little v. Yeutter, 984 F.2d 160, 162 (6th Cir. 1993)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

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