

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, TEXARKANA DIVISION

Anthony Charles Knapp v. Barbara O’Guin

Knapp v. O’Guin · No. 4:23-cv-04118-SOH-SGS · Decided December 23, 2025

SUMMARY

A magistrate judge recommends dismissal without prejudice of Anthony Charles Knapp’s 42 U.S.C. § 1983 action against Barbara O’Guin for failure to respond to a motion for summary judgment and comply with court orders. The recommendation relies on Federal Rule of Civil Procedure 41(b), Local Rule 5.5(c)(2), and the plaintiff’s failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Texarkana Division
WRITING FOR THE COURT	Spencer G. Singleton
JURISDICTION	United States District Court for the Western District of Arkansas, Texarkana Division
DECIDED	December 23, 2025
DOCKET	4:23-cv-04118-SOH-SGS
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiff proceeding pro se under 42 U.S.C. § 1983 failed to respond to Defendant's motion for summary judgment and two court orders. The magistrate judge issued a Report and Recommendation proposing dismissal of the amended complaint without prejudice for failure to prosecute and failure to comply with court orders.
STANDARD OF REVIEW	For a Rule 41(b) dismissal with prejudice, the court considers the degree of the plaintiff's egregious conduct, the adverse impact on defendants, and the court's ability to administer justice. Dismissal with prejudice is an extreme sanction reserved for willful disobedience or persistent failure to prosecute, although bad faith is not required; intentional conduct, rather than accidental or involuntary conduct, is sufficient.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

default sanctions civil procedure section 1983 prisoners rights

PRACTICE AREAS

civil procedure prisoner civil rights section 1983

QUESTIONS PRESENTED

1. Whether the plaintiff's failure to respond to a motion for summary judgment and comply with court orders warranted dismissal under Federal Rule of Civil Procedure 41(b).
2. Whether the circumstances warranted dismissal with prejudice or without prejudice.

HOLDINGS

1. The magistrate judge recommended that Plaintiff's amended complaint be dismissed without prejudice because Plaintiff failed to respond to Defendant's motion for summary judgment and failed to comply with the Court's orders.
2. Dismissal with prejudice was not warranted; the recommended dismissal was without prejudice.

KEY QUOTATIONS

"Dismissal with prejudice is an extreme sanction and should be used only in cases of willful disobedience of a court order or . . . persistent failure to prosecute a complaint." (II. DISCUSSION)

"Although pro se pleadings are to be construed liberally, a pro se litigant is not excused from complying with substantive and procedural law." (II. DISCUSSION)

FACTUAL BACKGROUND

Knapp filed a pro se § 1983 action and later amended his complaint. After Defendant moved for summary judgment on the limited issue of exhaustion, the court ordered Knapp to respond and then issued an order to show cause when he failed to do so. Neither order was returned as undeliverable, but Knapp did not communicate with the court after attending a discovery hearing on May 28, 2025.

PROCEDURAL HISTORY

Knapp filed the action and an in forma pauperis motion on December 19, 2023, and filed an amended complaint on January 30, 2024. After discovery proceedings and Defendant's appearance, Defendant moved for summary judgment on exhaustion. Knapp failed to respond by the deadline or to an order to show cause, despite both orders being mailed to his address of record. The magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 5.5(c)(2), and terminated the referral.

DISPOSITION

remanded

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended dismissal without prejudice, subject to the district judge's review under 28 U.S.C. § 636(b)(1). Parties were given fourteen days to file written objections.

CASES CITED

- *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984)
- *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)
- *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986)
- *Rodgers v. Curators of University of Missouri*, 135 F.3d 1216, 1219 (8th Cir. 1998)

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