

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Robert Seth Labreau v. Robert “Keith” Bass

Labreau v. Bass · No. 2:25-CV-91-TAV-CRW · Decided December 23, 2025

SUMMARY

The court dismisses Robert Seth Labreau’s pro se 42 U.S.C. § 1983 action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to return a completed service packet and comply with a court order. The court also certifies that any appeal would not be taken in good faith and denies leave to appeal in forma pauperis if an appeal is filed.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Thomas A. Varlan
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	December 23, 2025
DOCKET	2:25-CV-91-TAV-CRW
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed a pro se prisoner's 42 U.S.C. § 1983 action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a court order requiring return of a completed service packet.
STANDARD OF REVIEW	The court applied the Rule 41(b) dismissal factors, considering willfulness, prejudice, prior warning, and whether lesser sanctions were imposed or considered.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation
- appellate in forma pauperis

QUESTIONS PRESENTED

1. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to prosecute and failed to comply with the court's service-packet order.
2. Whether an appeal would be taken in good faith and whether Plaintiff should be permitted to appeal in forma pauperis.

HOLDINGS

1. A district court may dismiss an action under Rule 41(b) when a plaintiff willfully fails to comply with a court order, particularly after receiving an express warning that noncompliance will result in dismissal, and the Rule 41(b) factors support dismissal.
2. Any appeal from the dismissal would not be taken in good faith and would be totally frivolous; therefore, Plaintiff would be denied leave to appeal in forma pauperis.

KEY QUOTATIONS

“Under Rule 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss an action where a plaintiff fails “to prosecute or to comply with these rules or a court order[.]””

“ “[W]hile pro se litigants may be entitled to some latitude when dealing with sophisticated legal issues, acknowledging their lack of formal training, there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend as easily as a lawyer.” ”

FACTUAL BACKGROUND

Plaintiff was proceeding pro se and had filed a prisoner civil-rights complaint under 42 U.S.C. § 1983. After screening the complaint, the court ordered Plaintiff to return a completed service packet for Defendant Robert “Keith” Bass within twenty-one days and warned that failure to do so would lead to dismissal. Plaintiff did not return the packet or otherwise communicate with the court before the deadline expired.

PROCEDURAL HISTORY

On October 31, 2025, the court screened Plaintiff's § 1983 complaint and ordered him to return a completed service packet for Defendant within twenty-one days, expressly warning that noncompliance would result in dismissal. Plaintiff failed to return the packet or otherwise communicate with the court. The court dismissed the action without prejudice and certified that any appeal would not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Schafer v. City of Defiance Police Department, 529 F.3d 731, 736 (6th Cir. 2008)
- Knoll v. AT&T Co., 176 F.3d 359, 363 (6th Cir. 1999)
- Rodriguez v. Hirshberg Acceptance Corp., 62 F.4th 270, 277 (6th Cir. 2023)

- Wu v. T.W. Wang, Inc., 420 F.3d 641, 643 (6th Cir. 2005)
- Jourdan v. Jabe, 951 F.2d 108, 109 (6th Cir. 1991)

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