

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Travone Williams v. Tony D. Peterson and Sgt. Thomas

Williams v. Peterson · No. 2:25-CV-813-WKW · Decided March 25, 2026

SUMMARY

The United States District Court for the Middle District of Alabama dismissed without prejudice a pro se prisoner’s 42 U.S.C. § 1983 action against Tony D. Peterson and Sgt. Thomas. The court dismissed the case for failure to pay the assessed initial partial filing fee and failure to comply with multiple court orders, relying on its inherent authority and Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	W. Keith Watkins
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	March 25, 2026
DOCKET	2:25-CV-813-WKW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a pro se 42 U.S.C. § 1983 complaint and sought leave to proceed in forma pauperis. After the court granted IFP status and assessed a \$10 initial partial filing fee, Plaintiff failed to pay the fee despite repeated orders, show-cause directives, extensions, and warnings that noncompliance could result in dismissal.
STANDARD OF REVIEW	Abuse of discretion for dismissal under the court's inherent authority and Federal Rule of Civil Procedure 41(b).
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- sanctions
- civil procedure
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action under its inherent authority and Federal Rule of Civil Procedure 41(b) because Plaintiff failed to prosecute and failed to comply with repeated court orders requiring payment of the initial partial filing fee.
2. Whether dismissal without prejudice was an appropriate sanction for Plaintiff's noncompliance.

HOLDINGS

1. A district court may dismiss an action under its inherent docket-management authority and Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute or disregards court orders, particularly after being warned of the consequences.
2. Dismissal without prejudice is appropriate for failure to prosecute and failure to comply with court orders where the dismissal is not based on a required finding of willfulness or bad faith.

KEY QUOTATIONS

“A dismissal without prejudice, by contrast, doesn’t require a finding of willfulness or bad faith because its consequences are less severe.”

“Based on the foregoing, it is ORDERED that this action is DISMISSED without prejudice.”

FACTUAL BACKGROUND

Travone Williams, an incarcerated pro se plaintiff, filed a § 1983 complaint and sought to proceed in forma pauperis. After granting IFP status, the court assessed a \$10 initial partial filing fee. Williams did not pay the fee by the deadline, did not comply with repeated orders and warnings, and did not request another extension after receiving one.

PROCEDURAL HISTORY

Plaintiff initially filed a handwritten IFP motion without the required account statement. The court directed him to correct the deficiency, later granted IFP status, and assessed an initial partial filing fee. Plaintiff failed to pay the fee by the original deadline, failed to comply with a show-cause order, obtained an extension through March 16, 2026, and still neither paid the fee nor sought another extension. The district court dismissed the action without prejudice and stated that final judgment would be entered separately.

DISPOSITION

dismissed

CASES CITED

- *McNair v. Johnson*, 143 F.4th 1301, 1306–07 (11th Cir. 2025)

- Link v. Wabash R.R. Co., 370 U.S. 626, 629–30 (1962)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Mingo v. Sugar Cane Growers Co-Op of Fla., 864 F.2d 101, 102 (11th Cir. 1989) (per curiam)
- Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION TRAVONE WILLIAMS,) AIS # 182001,)) Plaintiff,)) v.) CASE NO.
2:25-CV-813-WKW) [WO] TONY D. PETERSON and) SGT. THOMAS,)) Defendants.)
ORDER Plaintiff Travone Williams, an inmate proceeding pro se, filed a complaint pursuant to 42
U.S.C. § 1983 (Doc. # 1) and a handwritten motion to proceed in forma pauperis (IFP) (Doc. # 2).

By Order dated October 20, 2025, Plaintiff was instructed to either pay the filing and administrative fees or file a proper application to proceed IFP accompanied by his prison account statement no later than November 3, 2025. (Doc. # 3 (“October 20 Order”).) When Plaintiff failed to comply with the October 20 Order, a second Order was issued on November 18, 2025, granting Plaintiff until December 9, 2025, to show cause for his failure to comply.

(Doc. # 4 (“November 18 Order”).) On December 15, 2025, the court received and docketed 1 The November 18 Order was erroneously docketed twice. (See Docs. # 4 & 5.) Plaintiff’s IFP application (Doc. # 6), account statement (Doc. # 7), and response to the November 18 Order (Doc. # 8). Based on the information submitted by Plaintiff, an initial partial filing fee of \$10.00 was assessed, and Plaintiff’s IFP application was granted.

(Doc. # 9 (“December 18 Order”).) The December 18 Order set a deadline of January 5, 2026, for Plaintiff to pay his initial partial filing fee. (Doc. # 9 at 2.) After Plaintiff failed to pay the initial partial filing fee as directed, an Order was issued on January 21, 2026, instructing Plaintiff to show cause why his case should not be dismissed for his failure to pay the initial partial filing fee.

(Doc. # 12 (“January 21 Order”).) On February 20, 2026, Plaintiff’s response to the January 21 Order, which he dated February 5, 2026, was received and docketed. (Doc. # 13.) Plaintiff’s response was construed as a motion for an extension of the deadline to pay his initial partial filing fee, and the deadline was extended to March 16, 2026. (Doc. # 14 (“February 24 Order”).)

Like its predecessor Orders, the February 24 Order expressly cautioned Plaintiff that his failure to comply would result in dismissal of this action. (Doc. # 14 at 4.) To date, Plaintiff still has not paid the \$10.00 initial partial filing fee as directed nor requested an extension to do so. Consequently, this action will be dismissed without prejudice. A district court “may dismiss a case under its inherent authority, which it possesses as a means of managing its own docket so as to achieve the orderly and expeditious disposition of cases.” *McNair v. Johnson*, 143 F.4th 1301, 1306–07 (11th Cir.

2025) (cleaned up), petition for cert. filed, No. 25-808 (U.S. Jan. 9, 2026). The authority of courts to impose sanctions for failure to comply with court orders and failure to prosecute is longstanding and acknowledged by Rule 41(b) of the Federal Rules of Civil Procedure. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962); see also *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir.

1989) (noting that “dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion”). A court’s dismissal under its inherent authority “can be either with or without prejudice to refiling.” *McNair*, 143 F.4th at 1306. Dismissal with prejudice as a sanction “is warranted only upon a ‘clear record of delay or willful contempt and a finding that lesser sanctions would not suffice.’” *Mingo v. Sugar Cane Growers Co- Op of Fla.*, 864 F.2d 101, 102 (11th Cir.

1989) (per curiam) (emphasis omitted) (quoting *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985)); accord *McNair*, 143 F.4th at 1306. “A dismissal without prejudice, by contrast, doesn’t require a finding of willfulness or bad faith because its consequences are less severe.” *McNair*, 143 F.4th at 1306.

In this instance, Plaintiff has failed to prosecute this action and has not complied with numerous court Orders, despite their express directives and warnings. Consequently, this action will be dismissed without prejudice.

Although not required for such a dismissal, the court finds a clear record of delay, given the extended period of noncompliance and the notice provided. It further concludes that no lesser sanction than dismissal would be effective. See *id.* Based on the foregoing, it is ORDERED that this action is DISMISSED without prejudice. Final Judgment will be entered separately.

DONE this 25th day of March, 2026. /s/ W. Keith Watkins UNITED STATES DISTRICT JUDGE