

**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

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