

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
TENNESSEE

Meener v. One Stop Housing, LLC

Meener · No. 2:25-cv-02528-MSN-cgc · Decided January 14, 2026

SUMMARY

A magistrate judge recommends involuntary dismissal with prejudice of Musshur Meener’s complaint against One Stop Housing, LLC for failure to prosecute and failure to respond to a motion to dismiss and an order to show cause. The recommendation also advises that the motion to dismiss be denied as moot.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Tennessee                                                                                                                                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Charmiane G. Claxton                                                                                                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | United States District Court for the Western District of Tennessee                                                                                                                                                                                                                                                                                                                                            |
| DECIDED               | January 14, 2026                                                                                                                                                                                                                                                                                                                                                                                              |
| DOCKET                | 2:25-cv-02528-MSN-cgc                                                                                                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Report and recommendation on Defendant's motion to dismiss in a removed civil action. The magistrate judge recommended involuntary dismissal with prejudice for failure to prosecute and denial of the motion to dismiss as moot.                                                                                                                                                                             |
| STANDARD OF REVIEW    | Dismissal for failure to prosecute is reviewed under the Court's inherent authority to control its docket and Federal Rule of Civil Procedure 41(b), guided by whether the failure was willful, in bad faith, or the party's fault; whether the adversary was prejudiced; whether the party was warned that noncompliance could result in dismissal; and whether lesser sanctions were imposed or considered. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                                                                                               |

TOPICS

sanctions

motions to dismiss

civil procedure

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Plaintiff's failure to respond to the motion to dismiss and order to show cause warranted involuntary dismissal with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) and the Court's inherent authority.
2. Whether Defendant's motion to dismiss should be denied as moot after recommending dismissal of the action for failure to prosecute.

## HOLDINGS

1. The magistrate judge recommended involuntary dismissal with prejudice because Plaintiff failed to prosecute the action, ignored the motion to dismiss and order to show cause, and had been warned that noncompliance could result in dismissal.
2. The motion to dismiss should be denied as moot because dismissal of the complaint was recommended on an independent failure-to-prosecute ground.

## KEY QUOTATIONS

*"It is recommended that the first factor is met as it is Plaintiff's fault for not prosecuting his case."* (at 2)

*"Accordingly, it is RECOMMENDED that the Plaintiff's Complaint be involuntarily dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b) and the Court's inherent power and that the Motion to Dismiss be DENIED AS MOOT."* (at 2)

## FACTUAL BACKGROUND

Plaintiff did not respond to Defendant's motion to dismiss or to the Court's subsequent order to show cause. The order warned Plaintiff that failure to respond could result in dismissal for failure to prosecute. Plaintiff had engaged in no meaningful activity after removal, while Defendant took steps to advance the case.

## PROCEDURAL HISTORY

The complaint was removed on May 19, 2025. Defendant filed a motion to dismiss on May 27, 2025, but Plaintiff filed no response. After the Court issued an order to show cause allowing fourteen days to explain why the motion should not be granted, Plaintiff again failed to respond. The magistrate judge recommended dismissal with prejudice under Federal Rule of Civil Procedure 41(b) and the Court's inherent docket-control authority, with the motion to dismiss denied as moot.

## DISPOSITION

other

## CASES CITED

- *Link v. Wabash R. Co.*, 370 U.S. 626, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962)

- Boudwin v. Graystone Insurance Co., 756 F.2d 399 (5th Cir. 1985)
- Harris v. Callwood, 844 F.2d 1254 (6th Cir. 1988)
- Sepia Enterprises, Inc. v. City of Toledo, 462 F.2d 1315 (6th Cir. 1972) (per curiam)
- Knoll v. American Telephone & Telegraph Co., 176 F.3d 359, 363 (6th Cir. 1999)

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