

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, TALLAHASSEE DIVISION

Tareyan Cooks v. B. Abraham, et al.

Cooks · No. 4:25cv536-MW-MAF · Decided February 20, 2026

SUMMARY

The magistrate judge recommends dismissing Tareyan Cooks's 42 U.S.C. § 1983 action for failure to prosecute and failure to comply with court orders requiring proper support for an in forma pauperis motion. The recommendation relies on the court's inherent authority to dismiss for lack of prosecution and notes that Plaintiff was forewarned of the consequences of noncompliance.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida, Tallahassee Division
WRITING FOR THE COURT	Martin A. Fitzpatrick
JURISDICTION	United States District Court for the Northern District of Florida, Tallahassee Division
DECIDED	February 20, 2026
DOCKET	4:25cv536-MW-MAF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights action under 42 U.S.C. § 1983 without paying the filing fee or properly supporting an in forma pauperis motion. After receiving orders requiring compliance and warning of dismissal, Plaintiff failed to submit the required documentation. The magistrate judge issued a Report and Recommendation recommending dismissal.
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to comply with a court order is reviewed for abuse of discretion; dismissal is an extraordinary remedy, but dismissal after disregard of a specifically enforced and forewarned order generally is not an abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tareyan Cooks v. B. Abraham, et al.

TOPICS

civil procedure

section 1983

prisoners rights

pleadings

PRACTICE AREAS

civil procedure

prisoner civil rights

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute after Plaintiff failed to comply with orders requiring payment of the filing fee or submission of a properly supported in forma pauperis motion.
2. Whether the Court may dismiss the action sua sponte under its inherent authority and applicable rules for failure to comply with a court order.

HOLDINGS

1. The magistrate judge recommended that the action be dismissed because Plaintiff failed to prosecute the case and failed to comply with two court orders requiring proper filing-fee or in forma pauperis compliance.

KEY QUOTATIONS

“A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte” (at 2)

“While dismissal is an extraordinary remedy, dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.” (at 2-3)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se and initially detained at the Leon County Detention Facility, filed a handwritten § 1983 complaint without paying the filing fee or filing a proper in forma pauperis motion. After the Court ordered him to pay the fee or properly support an in forma pauperis request, Plaintiff submitted an inadequate motion and only the bank-account statement he claimed to possess. The Court denied his request that it obtain the statement, explained his obligation under 28 U.S.C. § 1915(a)(2), granted additional time, and warned that the case would be dismissed if he failed to comply. Plaintiff filed nothing further by the deadline.

PROCEDURAL HISTORY

Plaintiff initiated the § 1983 action while detained at the Leon County Detention Facility. The Court ordered him either to pay the \$405 filing fee or file a proper in forma pauperis motion. Plaintiff submitted an inadequate motion and an incomplete bank-account statement, was given additional time and warned that noncompliance would result in dismissal, but filed nothing further. The magistrate judge recommended dismissal for failure to prosecute and failure to comply with a court order.

DISPOSITION

CASES CITED

- Ciosek v. Ashley, No. 3:13cv147-RV-CJK, 2015 WL 2137521, at *2 (N.D. Fla. May 7, 2015)
- Link v. Wabash R.R. Co., 370 U.S. 626, 630, 82 S. Ct. 1386, 1389, 8 L. Ed. 2d 734 (1962)
- Betty K Agencies, Ltd. v. M/V MONADA, 432 F.3d 1333, 1337 (11th Cir. 2005)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Smith v. Bruster, 424 F. App'x 912, 915 (11th Cir. 2011)

OPINION

COOKS

PER CURIAM.

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

TAREYAN COOKS,

Inmate # 182317, Plaintiff, vs. Case No. 4:25cv536-MW-MAF B. ABRAHAM, et al., Defendants.

REPORT AND RECOMMENDATION

The pro se Plaintiff initiated this case while detained at the Leon County Detention Facility. Plaintiff submitted a handwritten civil rights complaint under 42 U.S.C. § 1983, ECF No. 1, but did not pay the Court's \$405.00 filing fee or file an in forma pauperis motion. An Order was entered directing Plaintiff to do one or the other, and explaining the requirements for requesting in forma pauperis status. ECF No. 4. Plaintiff subsequently filed a handwritten in forma pauperis motion, ECF No. 5, but still did not file a proper in forma pauperis motion. Instead, Plaintiff said that he filed a prior in forma pauperis motion in early October Page 2 of 4 2025 in another case (presumably in another court), and sent "the only bank account statement he had in his possession." Id. at 1. Plaintiff's request to have this Court obtain copy of that bank account statement was denied. ECF No. 6. Plaintiff was informed that it was his obligation to properly support an in forma pauperis motion; it is not the Court's responsibility to obtain that support for Plaintiff. Id. Thus, Plaintiff was provided additional time in which to obtain the necessary documentation to support an in forma pauperis motion in accordance with 28 U.S.C. § 1915(a)(2). Plaintiff was given until February 5, 2026, to do so, and warned that this case would be dismissed if he did not comply. Id. As of this date, nothing further has been received. It appears that Plaintiff has abandoned this litigation. "A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte" when a Plaintiff "fails to prosecute or" otherwise comply

with a court order. See *Ciosek v. Ashley*, No. 3:13cv147-RV-CJK, 2015 WL 2137521, at *2 (N.D. Fla. May 7, 2015). The Court has inherent power “to dismiss sua sponte for lack of prosecution” as courts must necessarily have authority “to manage their own affairs” *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630, 82 S. Ct. 1386, 1389, 8 L. Ed. Case No. 4:25cv536-MW-MAF Page 3 of 4 2d 734 (1962) (quoted in *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005)); see also N.D. Fla. Loc. R. 41.1. Furthermore, the Eleventh Circuit Court of Appeals has noted that “[w]hile dismissal is an extraordinary remedy, dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.” *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989). It is within this Court’s discretion and “inherent authority” to dismiss a case for failing to comply with a court Order. *Smith v. Bruster*, 424 F. App’x 912, 915 (11th Cir. 2011). Here Plaintiff was forewarned and did not respond to two Court Orders. ECF Nos. 4, 6. Because Plaintiff has failed to prosecute this case, dismissal is now appropriate.

RECOMMENDATION

It is respectfully RECOMMENDED that this case be DISMISSED for failure to prosecute and failure to comply with a Court Order. IN CHAMBERS at Tallahassee, Florida, on February 20, 2026. S/ Martin A. Fitzpatrick

MARTIN A. FITZPATRICK

UNITED STATES MAGISTRATE JUDGE

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NOTICE TO THE PARTIES

Within fourteen (14) days after being served with a copy of this Report and Recommendation, a party may serve and file specific written objections to these proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). Any different deadline that may appear on the electronic docket is for the Court’s internal use only and does not control. If a party fails to object to the Magistrate Judge’s findings or recommendations as to any particular claim or issue contained in this Report and Recommendation, that party waives the right to challenge on appeal the District Court’s order based on the unobjected-to factual and legal conclusions. See 11th Cir. Rule 3-1; 28 U.S.C. § 636. Case No. 4:25cv536-MW-MAF