

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA

Landric Russell v. Agency for Persons with Disabilities

Russell · No. 4:26cv91-RH-MAF · Decided April 24, 2026

SUMMARY

The magistrate judge recommends dismissing Landric Russell’s employment discrimination action against the Agency for Persons with Disabilities for failure to prosecute and failure to comply with an order directing the filing of a second amended complaint. The recommendation relies on the court’s inherent authority and applicable precedent concerning sua sponte dismissal after disregard of a court order.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida
WRITING FOR THE COURT	Charles A. Stampelos
JURISDICTION	United States District Court for the Northern District of Florida
DECIDED	April 24, 2026
DOCKET	4:26cv91-RH-MAF
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on dismissal of a pro se plaintiff’s amended employment-discrimination complaint for failure to prosecute and failure to comply with a court order.
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 disregard of an order after a warning generally is not an abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- employment discrimination
- title vii
- ada / disability
- pleadings

PRACTICE AREAS

- civil procedure
- employment law
- employment discrimination
- title vii
- ada / disability

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute and failure to comply with the court's order requiring a second amended complaint.

HOLDINGS

1. Dismissal was appropriate because Plaintiff failed to file the required second amended complaint by the court-ordered deadline after being warned that noncompliance would result in a recommendation of dismissal.

KEY QUOTATIONS

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

“It is respectfully RECOMMENDED that this case be DISMISSED for failure to prosecute and failure to comply with a Court Order.” (3)

FACTUAL BACKGROUND

Plaintiff filed a pro se amended employment-discrimination complaint asserting claims under Title VII and the Americans with Disabilities Act. The court found deficiencies in the amended complaint, ordered Plaintiff to file a second amended complaint, and gave Plaintiff until April 19, 2026, to do so. Plaintiff did not comply, and the court concluded that he appeared to have abandoned the litigation after being warned that noncompliance could result in dismissal.

PROCEDURAL HISTORY

Plaintiff filed an amended complaint under Title VII and the Americans with Disabilities Act. The court directed Plaintiff to file a second amended complaint and provided guidance concerning the deficiencies to be corrected, but Plaintiff did not file the required pleading by the April 19, 2026 deadline. The magistrate judge recommended dismissal after the prior warning that noncompliance could result in dismissal.

DISPOSITION

other

CASES CITED

- Ciosek v. Ashley, No. 3:13cv147-RV-CJK, 2015 WL 2137521, at *2 (N.D. Fla. May 7, 2015)
- Smith v. Bruster, 424 F. App'x 912, 915 (11th Cir. 2011)
- Link v. Wabash R.R. Co., 370 U.S. 626, 630 (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)

OPINION

Page 1 of 3 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA Tallahassee DIVISION LANDRIC RUSSELL, Plaintiff, vs. Case No. 4:26cv91-RH-MAF AGENCY FOR PERSONS WITH DISABILITIES, Defendant.
_____/ REPORT AND RECOMMENDATION After review of the pro se Plaintiff's amended employment discrimination complaint, ECF No. 5, filed pursuant to Title VII and the Americans with Disabilities Act, Plaintiff was directed to file a second amended complaint.

ECF No. 6. The Court provided guidance to Plaintiff as to the deficiencies which must be corrected, and gave Plaintiff until April 19, 2026, to file a second amended complaint. Id. As of this date, Plaintiff has not complied and it appears Plaintiff has abandoned this litigation.

Because Plaintiff was warned that failure to comply would result in a recommendation to dismiss this case, dismissal is appropriate. Page 2 of 3 "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); see also *Smith v. Bruster*, 424 F. App'x 912, 915 (11th Cir. 2011). 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. 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).

Here, Plaintiff was forewarned that if he did not comply with this Court's Order, a recommendation would be made to dismiss this case. ECF No. 6. Because Plaintiff has failed to prosecute this case, dismissal is appropriate. Case No. 4:26cv91-RH-MAF Page 3 of 3 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 April 24, 2026. S/ Charles A. Stampelos1 CHARLES A. STAMPELOS UNITED STATES MAGISTRATE JUDGE 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. 1 Magistrate Judge Stampelos has signed this Order during the temporary absence of Magistrate Judge Martin A. Fitzpatrick who is assigned to this case. Case No. 4:26cv91-RH-MAF