

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE

Djibril H. Samassa v. Anthony Alexander

Samassa · No. 2:25-cv-02779-SHL-cgc · Decided December 3, 2025

SUMMARY

The United States District Court for the Western District of Tennessee dismissed Djibril H. Samassa’s 28 U.S.C. § 2241 petition without prejudice for failure to prosecute and failure to comply with an order requiring payment of the habeas filing fee. The court denied a certificate of appealability and denied leave to proceed in forma pauperis on appeal, certifying that any appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee
WRITING FOR THE COURT	Sheryl H. Lipman
JURISDICTION	United States District Court for the Western District of Tennessee
DECIDED	December 3, 2025
DOCKET	2:25-cv-02779-SHL-cgc
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 and leave to proceed in forma pauperis. After petitioner failed to pay the filing fee or comply with the court's order to do so, the district court dismissed the petition without prejudice for failure to prosecute, denied a certificate of appealability, and denied leave to appeal in forma pauperis.
STANDARD OF REVIEW	The court applied the failure-to-prosecute and failure-to-comply dismissal authority under Federal Rule of Civil Procedure 41(b). For the certificate of appealability, it applied the Slack v. McDaniel standard governing habeas petitions dismissed on procedural grounds.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Djibril H. Samassa v. Anthony Alexander

TOPICS

federal habeas corpus

post-conviction relief

civil procedure

appellate procedure

standard of review

PRACTICE AREAS

Federal habeas corpus

Civil procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether the court should dismiss the § 2241 petition without prejudice for failure to prosecute and failure to comply with the court's fee order.
2. Whether Samassa was entitled to a certificate of appealability after the petition was dismissed on procedural grounds.
3. Whether Samassa should be permitted to proceed in forma pauperis on appeal.

HOLDINGS

1. A § 2241 petition may be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) when the petitioner fails to comply with a court order requiring payment of the habeas filing fee after receiving notice that noncompliance would result in dismissal.
2. A certificate of appealability should be denied because reasonable jurists would not debate either the validity of the asserted constitutional claim or the correctness of the procedural dismissal.
3. Leave to appeal in forma pauperis must be denied and the appeal certified as not taken in good faith when the petitioner has not shown a nonfrivolous basis for appellate review of the dismissal.

KEY QUOTATIONS

“Accordingly, the § 2241 petition is DISMISSED WITHOUT PREJUDICE for failure to prosecute.”

“Reasonable jurists would not find it debatable whether the Court was correct in its procedural ruling dismissing the petition for failure to prosecute and for non-compliance with the Court’s orders.”

FACTUAL BACKGROUND

Samassa, incarcerated at the Shelby County Division of Corrections, filed a pro se petition under 28 U.S.C. § 2241 and sought leave to proceed in forma pauperis. He failed to provide a certified inmate trust-fund statement and later failed to pay the required \$5 habeas filing fee after the court denied pauper status and ordered payment. Despite an explicit warning that noncompliance would result in dismissal, Samassa did not comply before the deadline expired.

PROCEDURAL HISTORY

Samassa filed a pro se § 2241 petition and an application to proceed in forma pauperis without a certified six-month inmate trust-account statement. The court ordered him to pay the filing fee or submit the required statement. After an initial dismissal and subsequent reopening when Samassa filed a trust-account statement, the court denied pauper status and again ordered him to pay the fee, warning that noncompliance would result in

dismissal under Federal Rule of Civil Procedure 41(b). Samassa did not comply, so the court dismissed the petition without prejudice and entered the related appellate certifications and denials.

DISPOSITION

dismissed

CASES CITED

- Winburn v. Nagy, 956 F.3d 909, 912 (6th Cir. 2020)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Miller-El v. Cockrell, 537 U.S. 322, 337 (2003)
- Bradley v. Birkett, 156 F. App'x 771, 773 (6th Cir. 2005)
- Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-western-district-of-ten/2025/djibril-h-samassa-v-anthony-alexander-8trmgf9u>