

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Atmore v. Dr. Mohamed, et al.

No. 5:25-CV-00521-CAR-ALS · No. 5:25-CV-00521-CAR-ALS · Decided January 8, 2026

SUMMARY

The United States District Court for the Middle District of Georgia dismissed without prejudice Willie James Atmore’s pro se civil action after he failed to comply with an order requiring him to sign and refile his complaint. The court relied on Federal Rule of Civil Procedure 41(b) and dismissed the case for failure to comply with court orders and failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	C. Ashley Royal
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	January 8, 2026
DOCKET	5:25-CV-00521-CAR-ALS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed an unsigned civil complaint. After the court ordered him to re-file the complaint with his signature and warned that noncompliance could result in dismissal, plaintiff failed to respond, and the court dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	Not expressly stated; the court applied the Rule 41(b) authority to dismiss sua sponte for failure to prosecute or obey a court order.
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status not identified in the source.

TOPICS

pleadings civil procedure section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action without prejudice under Federal Rule of Civil Procedure 41(b) when the pro se plaintiff failed to file a signed complaint as ordered and failed to prosecute the case.

HOLDINGS

1. A district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to obey a court order or fails to prosecute the action.

KEY QUOTATIONS

“Because Plaintiff has failed to comply with the Court’s orders or otherwise prosecute this case, his complaint is DISMISSED WITHOUT PREJUDICE.” (2)

“The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.” (2)

FACTUAL BACKGROUND

Willie James Atmore, proceeding pro se, filed an unsigned complaint while housed at Central State Hospital in Georgia. The court notified him that Rule 11 required his personal signature, ordered him to re-file a signed complaint, and gave him fourteen days to respond. He failed to comply with the order or otherwise prosecute the case, and the record indicated he had possibly been released without providing an updated address.

PROCEDURAL HISTORY

Plaintiff filed an unsigned complaint while housed at Central State Hospital. The court issued a deficiency notice requiring a signed complaint under Rule 11 and gave plaintiff fourteen days to comply. Plaintiff did not comply or otherwise prosecute the action, so the district court dismissed the complaint without prejudice.

DISPOSITION

dismissed

CASES CITED

- Brown v. Tallahassee Police Department, 205 F. App'x 802, 802 (11th Cir. 2006)
- Lopez v. Aransas County Independent School District, 570 F.2d 541, 544 (5th Cir. 1978)
- Gormley v. Nix, No. 04-12374, 2005 WL 2090282, at *4 (11th Cir. Aug. 31, 2005) (per curiam)
- Wilson v. Sargent, 313 F.3d 1315, 1320-21 (11th Cir. 2002)
- Duong Thanh Ho v. Costello, 757 F. App'x 912 (11th Cir. 2018)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION WILLIE JAMES ATMORE,; Plaintiff:: NO. 5:25-CV-00521-CAR-ALS VS.:
DR. MOHOMED, et al.,; Defendants: _____ ORDER Pro se
Plaintiff Willie James Atmore filed an unsigned complaint while being housed at Central State
Hospital in Milledgeville, Georgia.¹ ECF No. 1.

On December 2, 2025, Plaintiff was issued a deficiency notice that instructed him that Rule 11 of the Federal Rules of Civil Procedure mandates that every pleading, written motion and other papers must be signed by a party personally if the party is unrepresented.

Accordingly, Plaintiff was ordered to re-file his complaint with his signature. Plaintiff was cautioned that failure to comply with the court's order to file a signed complaint may result in dismissal of this civil action. Plaintiff was provided with fourteen days to respond to the Court's order and he has failed to do so.

Because Plaintiff has failed to comply with the Court's orders or otherwise ¹ Plaintiff filed other complaints simultaneous to the present civil action and in at least one of these, the court's mail was returned on December 16, 2025 with a notation that he had been released from Central State Hospital. See ECF No. 4 in Atmore v. Mincey, case no. 5:25-cv-520-MTT-ALS (filed Nov.

6, 2025). Plaintiff has not notified the court of any address change. prosecute this case, his complaint is DISMISSED WITHOUT PREJUDICE. See Fed. R. Civ. P. 41(b); Brown v. Tallahassee Police Dep't, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed.

R. Civ. P. 41(b) and Lopez v. Aransas Cty. Indep. Sch. Dist., 570 F.2d 541, 544 (5th Cir. 1978)); Gormley v. Nix, No. 04-12374, 2005 WL 2090282, at *4 (11th Cir. Aug. 31, 2005) (per curiam) (citing Wilson v. Sargent, 313 F.3d 1315, 1320-21 (11th Cir. 2002)) (finding Wilson governs only the "narrow issue of whether an inquiry need be made into a prisoner's attempt to comply with the filing fee requirements for in pauperis forma standing," and the district court does not have to inquire into a plaintiff's failure to comply with other orders before dismissing action); Duong Thanh Ho v. Costello, 757 F. App'x 912 (11th Cir.

2018) (holding that the district court did not abuse its discretion in sua sponte dismissing without prejudice prisoner's pro se § 1983 complaint for failure to comply with court order to file amended complaint where order expressly informed prisoner of deficiencies in his complaint and rules that he needed to follow in filing amended complaint). SO ORDERED, this 8th day of January, 2026.
s/ C. Ashley Royal C. ASHLEY ROYAL, SENIOR JUDGE UNITED STATES DISTRICT
COURT 2

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