

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA, AUGUSTA DIVISION

Jonathan Denham v. Felicia Dupass, Detra Willis, Shaun Tia Davis,
and Rhonda Ross

Denham · No. CV 125-283 · Decided January 5, 2026

SUMMARY

A magistrate judge recommends dismissing Jonathan Denham’s pro se 42 U.S.C. § 1983 action without prejudice for failure to prosecute and failure to comply with an order requiring him to update his address. The recommendation relies on Federal Rule of Civil Procedure 41(b), the court’s inherent docket-management authority, and Local Rule 41.1 of the Southern District of Georgia.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia, Augusta Division
JURISDICTION	United States District Court for the Southern District of Georgia, Augusta Division
DECIDED	January 5, 2026
DOCKET	CV 125-283
DISPOSITION	dismissed
PROCEDURAL POSTURE	Magistrate judge's report and recommendation in a pro se prisoner civil-rights action under 42 U.S.C. § 1983, recommending dismissal without prejudice for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	The report and recommendation applies the district court's authority under Federal Rule of Civil Procedure 41(b), its inherent docket-management authority, and the Southern District of Georgia's Local Rule 41.1 to determine whether dismissal for failure to prosecute and failure to comply with a court order is appropriate.
PRECEDENTIAL VALUE	nonprecedential report and recommendation
PARTIES	Jonathan Denham v. Felicia Dupass, Detra Willis, Shaun Tia Davis, Rhonda Ross

TOPICS

civil procedure

sanctions

section 1983

civil rights

remedies

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

remedies

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Plaintiff's failure to keep the Court informed of his current address and failure to comply with the Court's November 21, 2025 order.
2. Whether monetary sanctions were a feasible alternative to dismissal where Plaintiff was proceeding in forma pauperis and had paid none of the filing fee.
3. Whether dismissal should be without prejudice rather than with prejudice before adjudication on the merits.

HOLDINGS

1. A district court may dismiss an action for failure to prosecute or failure to comply with a court order under Federal Rule of Civil Procedure 41(b), its inherent authority to manage its docket, and applicable local rules.
2. Dismissal without prejudice is appropriate where a plaintiff fails to comply with a court order after being warned that noncompliance may result in dismissal.
3. Monetary sanctions were not a feasible alternative to dismissal because Plaintiff was proceeding in forma pauperis and had paid no portion of the filing fee.

KEY QUOTATIONS

“A district court has authority to manage its docket to expeditiously resolve cases, and this authority includes the power to dismiss a case for failure to prosecute or failure to comply with a court order.” (unpaginated)

“Therefore, dismissal for want of prosecution is appropriate.” (unpaginated)

“Accordingly, the Court REPORTS and RECOMMENDS that this case be DISMISSED without prejudice and CLOSED.” (unpaginated)

FACTUAL BACKGROUND

Plaintiff was proceeding pro se and in forma pauperis in a § 1983 action. The Court's December 16, 2025 order was returned because Plaintiff was no longer at the address on file. Plaintiff had previously been ordered to immediately notify the Court of any address change and had been warned that failure to do so could result in dismissal. Because Plaintiff had not updated his address, the Court found that communication with him appeared impossible and that the case had become stagnant.

PROCEDURAL HISTORY

Plaintiff commenced the action while proceeding pro se and in forma pauperis. After the Court's December 16, 2025 order was returned, the Court determined that Plaintiff had failed to provide a current address despite an earlier order directing him to do so and warning that noncompliance could result in dismissal. The magistrate judge recommended that the action be dismissed without prejudice and closed.

DISPOSITION

dismissed

CASES CITED

- Equity Lifestyle Props., Inc. v. Florida Mowing & Landscape Serv., Inc., 556 F.3d 1232, 1240 (11th Cir. 2009)
- Eades v. Alabama Dep’t of Hum. Res., 298 F. App’x 862, 863 (11th Cir. 2008) (per curiam)
- Owens v. Pinellas Cnty. Sheriff’s Dep’t, 331 F. App’x 654, 655 (11th Cir. 2009) (per curiam)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Cordes v. Chipi, 773 F. App’x 551, 552-53 (11th Cir. 2019) (per curiam)
- Gormley v. Nix, No. 04-12374, 2005 WL 2090282, at *3-4 (11th Cir. Aug. 31, 2005) (per curiam)
- Dickson v. Ga. State Bd. of Pardons & Paroles, No. 1:06-CV-1310-JTC, 2007 WL 2904168, at *6 (N.D. Ga. Oct. 3, 2007)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA AUGUSTA DIVISION JONATHAN DENHAM,)) Plaintiff,)) v.) CV 125-283)
FELICIA DUPASS; DETRA WILLIS;) SHAUN TIA DAVIS; and RHONDA ROSS,))
Defendants.)

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
Plaintiff commenced the
above-styled civil action pursuant to 42 U.S.C. § 1983.

He is pro se and is currently proceeding in forma pauperis (“IFP”). The Court has been informed its last Order entered in this case on December 16, 2025, has been returned; Plaintiff is no longer at the address he has on file with the Court. (See doc. no. 7.) Plaintiff was directed in the Court’s November 21, 2025 Order to immediately inform the Court of any change in address, and he was told that the failure to do so would result in the dismissal of his case.

(Doc. no. 3, p. 3.) A district court has authority to manage its docket to expeditiously resolve cases, and this authority includes the power to dismiss a case for failure to prosecute or failure to comply with a court order. *Equity Lifestyle Props., Inc. v. Florida Mowing & Landscape Serv., Inc.*, 556 F.3d 1232, 1240 (11th Cir. 2009) (citing Fed. R. Civ. P. 41(b)); see also *Eades v. Alabama Dep’t of Hum.*

Res., 298 F. App'x 862, 863 (11th Cir. 2008) (per curiam) ("District courts possess the ability to dismiss a case... for want of prosecution based on two possible sources of authority: Fed. R. Civ. P. 41(b) or their inherent authority to manage their dockets.").

Moreover, the Local Rules of the Southern District of Georgia dictate that an "assigned Judge may, after notice to counsel of record, sua sponte... dismiss any action for want of prosecution, with or without prejudice... [for] [w]illful disobedience or neglect of any order of the Court; or [a]ny other failure to prosecute a civil action with reasonable promptness." Loc.

R. 41.1 (b) & (c). Finally, dismissal without prejudice is generally appropriate pursuant to Rule 41(b) where a plaintiff has failed to comply with a court order, "especially where the litigant has been forewarned." *Owens v. Pinellas Cnty. Sheriff's Dep't*, 331 F. App'x 654, 655 (11th Cir. 2009) (per curiam) (citing *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir.

1989)). Here, Plaintiff's failure to keep the Court informed of his address is a direct violation of the Court's November 21st Order and saddles the Court with a stagnant case in which no communication with Plaintiff seems possible. Plaintiff was warned that noncompliance could result in dismissal of his case. This is precisely the type of neglect contemplated by the Local Rules.

The Court also finds that the imposition of monetary sanctions is not a feasible sanction because Plaintiff is proceeding IFP and no portion of the filing fee has been paid. Therefore, dismissal for want of prosecution is appropriate.

The Court recognizes that Plaintiff is proceeding pro se and acknowledges that courts have voiced a dislike for the harshness of dismissing a pro se case with prejudice prior to an adjudication on the merits.¹ See, e.g., *Cordes v. Chipi*, 773 F. App'x 551, 552-53 (11th Cir. 1Unless the Court specifies otherwise, a dismissal for failure to prosecute operates as an adjudication on the merits.

See Fed. R. Civ. P. 41(b). 2019) (per curiam); *Gormley v. Nix*, No. 04-12374, 2005 WL 2090282, at *3-4 (11th Cir. Aug. 31, 2005) (per curiam); *Dickson v. Ga. State Bd. of Pardons & Paroles*, No. 1:06-CV- 1310-JTC, 2007 WL 2904168, at *6 (N.D. Ga. Oct. 3, 2007).

Thus, the Court is simply recommending dismissal without prejudice until such time as Plaintiff willing to file his case and pursue it. Accordingly, the Court REPORTS and RECOMMENDS that this case be DISMISSED without prejudice and CLOSED. SO REPORTED and RECOMMENDED this Sth day of January, 2026, at Augusta, Georgia. UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF GEORGIA