

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Wendy M. Williams v. T-Mobile USA, Inc.

Williams · No. CIV. ACT. NO. 1:25-cv-286-TFM-B · Decided December 3, 2025

SUMMARY

The United States District Court for the Southern District of Alabama adopted a magistrate judge's report and recommendation and dismissed the action without prejudice. The dismissal was based on the plaintiff's failure to prosecute and comply with the court's orders, pursuant to Federal Rule of Civil Procedure 41(b) and the court's inherent authority.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	Terry F. Moorer
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	December 3, 2025
DOCKET	CIV. ACT. NO. 1:25-cv-286-TFM-B
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal without prejudice for failure to prosecute and failure to comply with court orders. No objections were filed, and the district court adopted the recommendation.
STANDARD OF REVIEW	Abuse of discretion governs dismissal for failure to prosecute or failure to comply with court orders.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- sanctions

PRACTICE AREAS

- civil procedure
- federal civil litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to prosecute and failure to comply with the court's orders.
2. Whether the district court may sua sponte exercise its inherent power to dismiss the action for lack of prosecution.

HOLDINGS

1. Federal Rule of Civil Procedure 41(b) authorizes dismissal for failure to prosecute or failure to comply with a court order or the federal rules.
2. A district court may sua sponte dismiss an action for failure to prosecute and failure to comply with court orders as an exercise of its inherent power.
3. Dismissal without prejudice was appropriate because the plaintiff disregarded court orders after being forewarned and failed to prosecute the action.

KEY QUOTATIONS

“[D]ismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.”

“[E]ven a non-lawyer should realize the peril to [his] case, when [he] . . . ignores numerous notices and fails to comply with court orders.”

“dismiss [Plaintiff’s claims] sua sponte for lack of prosecution.”

FACTUAL BACKGROUND

The plaintiff failed to prosecute the action and failed to comply with the court's orders. The opinion indicates that the plaintiff had received numerous notices and had been forewarned of the consequences of noncompliance. The magistrate judge recommended dismissal, and the plaintiff filed no objections.

PROCEDURAL HISTORY

On October 29, 2025, the magistrate judge issued a report and recommendation recommending dismissal. After the objection period expired without objections, the district court adopted the report and recommendation and dismissed the action without prejudice for failure to prosecute and obey court orders.

DISPOSITION

dismissed

CASES CITED

- Gratton v. Great Am. Commc’ns, 178 F.3d 1373, 1374 (11th Cir. 1999)
- Betty K Agencies, Ltd. v. M/V Monada, 432 F.3d 1333, 1337 (11th Cir. 2005)
- Vil v. Perimeter Mortg. Funding Corp., 715 F. App’x 912, 915

- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Anthony v. Marion Cty. Gen. Hosp., 617 F.2d 1164, 1169 (5th Cir. 1980)
- Link v. Wabash R.R. Co., 370 U.S. 626, 630, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION WENDY M. WILLIAMS,)) Plaintiff,)) vs.) CIV. ACT. NO. 1:25-cv-286-TFM-B) T-MOBILE USA, INC.,)) Defendant.) MEMORANDUM OPINION AND ORDER On October 29, 2025, the Magistrate Judge entered a report and recommendation which recommends this action be dismissed without prejudice for failure to prosecute and to comply with the court's orders.

See Doc. 6. No objections were filed and the time frame has passed. Fed. R. Civ. P. 41(b) authorizes dismissal of a complaint for failure to prosecute or failure to comply with a court order or the federal rules. Gratton v. Great Am. Commc'ns, 178 F.3d 1373, 1374 (11th Cir. 1999). Further, such a dismissal may be done on motion of the defendant or sua sponte as an inherent power of the court.

Betty K Agencies, Ltd. v. M/V Monada, 432 F.3d 1333, 1337 (11th Cir. 2005). “[D]ismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.” Vil v. Perimeter Mortg. Funding Corp., 715 F. App'x 912, 915 (quoting Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)). “[E]ven a non-lawyer should realize the peril to [his] case, when [he]... ignores numerous notices” and fails to comply with court orders.

Anthony v. Marion Cty. Gen. Hosp., 617 F.2d 1164, 1169 (5th Cir. 1980); see also Moon, 863 F.2d at 837 (As a general rule, where a litigant has been forewarned, dismissal for failure to obey a court order is not an abuse of discretion.).

Therefore, the Court finds it appropriate to exercise its “inherent power” to “dismiss [Plaintiff's claims] sua sponte for lack of prosecution.” Link v. Wabash R.R. Co., 370 U.S. 626, 630, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962); see also Betty K Agencies, Ltd., 432 F.3d at 1337 (describing the judicial power to dismiss sua sponte for failure to comply with court orders).

Accordingly, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge is ADOPTED and this action is DISMISSED without prejudice for failure to prosecute and obey the Court's orders. A separate judgment will issue pursuant to Fed.

R. Civ. P. 58. DONE and ORDERED this 3rd day of December, 2025. /s/Terry F. Moorer TERRY F. MOORER UNITED STATES DISTRICT JUDGE

