

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, LOUISVILLE DIVISION

Eric Dunlap v. Louisville Metro Government, et al.

Dunlap · No. 3:22-cv-412-BJB · Decided June 8, 2026

SUMMARY

The United States District Court for the Western District of Kentucky dismisses Eric Dunlap’s remaining civil-rights claims without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). The court finds that Dunlap repeatedly failed to comply with status-report deadlines and court warnings concerning his intent to proceed and service of the remaining defendants.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Louisville Division
JURISDICTION	United States District Court for the Western District of Kentucky, Louisville Division
DECIDED	June 8, 2026
DOCKET	3:22-cv-412-BJB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the plaintiff's remaining claims without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute after repeated failures to comply with status-report orders and deadlines.
STANDARD OF REVIEW	The court stated that district courts have substantial discretion to dismiss for failure to prosecute and to manage their dockets.
PRECEDENTIAL VALUE	unpublished
PARTIES	Eric Dunlap v. Louisville Metro Government, Louisville Metro Department of Corrections, Dwayne Clark, Eric Troutman, Timothy Elmore, Daniel Spaulding, unknown inmates and prison guards

TOPICS

- sanctions
- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should dismiss the remaining claims without prejudice under Federal Rule of Civil Procedure 41(b) because Dunlap repeatedly failed to comply with court orders and failed to prosecute the action.

HOLDINGS

1. A district court may dismiss an action under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to comply with court orders or fails to prosecute, and dismissal was warranted here because Dunlap repeatedly ignored status-report deadlines, failed to respond despite warnings, and allowed the case to remain dormant.
2. The remaining claims were dismissed without prejudice.

KEY QUOTATIONS

“Federal Rule of Civil Procedure 41(b) authorizes district courts to grant a motion to dismiss a lawsuit if a plaintiff violates a court order or fails to prosecute the case.”

“To be sure, “dismissal of a claim for failure to prosecute is a harsh sanction which the court should order only in extreme situations showing a clear record of contumacious conduct by the plaintiff.””

“The Court dismisses Dunlap’s remaining claims without prejudice for failure to prosecute and orders the Clerk to strike this case from the active docket.”

FACTUAL BACKGROUND

Dunlap alleged that prison guards failed to protect him from an attack by another inmate, asserting a violation of his civil rights under 42 U.S.C. § 1983. Following dismissal of claims against several defendants, only unserved defendants remained. Despite repeated orders and warnings, Dunlap failed to file required status reports or otherwise pursue the surviving claims for nearly six months.

PROCEDURAL HISTORY

Dunlap filed a civil-rights action under 42 U.S.C. § 1983 concerning an alleged failure by prison guards to protect him from an inmate attack. After discovery and multiple amended complaints, the court dismissed the claims against Louisville Metro, the Department of Corrections, and served individual defendants, leaving only unserved defendants. The court repeatedly ordered Dunlap to report whether he would proceed pro se or retain counsel and warned that noncompliance could result in dismissal. Dunlap filed nothing for nearly six months, prompting dismissal of the remaining claims without prejudice and an order striking the case from the active docket.

DISPOSITION

dismissed

CASES CITED

- Jourdan v. Jabe, 951 F.2d 108, 109-10 (6th Cir. 1991)
- Pilgrim v. Littlefield, 92 F.3d 413, 416 (6th Cir. 1996)
- Link v. Wabash Railroad Co., 370 U.S. 626, 630 (1962)
- Schafer v. City of Defiance Police Department, 529 F.3d 731, 736-40, 742 (6th Cir. 2008)

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