

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, FORT WORTH DIVISION

Latriece Necole Embry v. Safelite Fulfillment, LLC

Embry · No. 4:25-cv-1393-O-BP · Decided January 2, 2026

SUMMARY

The United States Magistrate Judge recommends dismissing Plaintiff Latriece Necole Embry’s complaint without prejudice under Federal Rule of Civil Procedure 41(b). The recommendation is based on Plaintiff’s failure to pay the filing and administrative fees, submit a compliant in forma pauperis application, or otherwise comply with the Court’s order and prosecute the action.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Fort Worth Division
WRITING FOR THE COURT	Hal R. Ray, Jr.
JURISDICTION	United States District Court for the Northern District of Texas, Fort Worth Division
DECIDED	January 2, 2026
DOCKET	4:25-cv-1393-O-BP
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff filed a civil action and an in forma pauperis application. After the application was found deficient, the court ordered her to pay the filing and administrative fees or submit an amended long-form application. The magistrate judge recommended dismissal without prejudice after the plaintiff failed to comply.
STANDARD OF REVIEW	The district judge must make a de novo determination of portions of the magistrate judge's proposed findings, conclusions, and recommendation to which specific, timely objections are made.
PRECEDENTIAL VALUE	Nonprecedential magistrate judge findings, conclusions, and recommendation; not a final disposition in the source.

TOPICS

- civil procedure
- motions to dismiss
- sanctions

PRACTICE AREAS

civil procedure

federal courts

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the court's order.
2. Whether Plaintiff's failure to pay the required filing and administrative fees or submit a sufficient in forma pauperis application warranted dismissal.

HOLDINGS

1. The magistrate judge recommended that the complaint be dismissed without prejudice because Plaintiff failed to comply with the court's order to pay the required fees or file a proper amended in forma pauperis application and failed to prosecute the action.
2. The action could not proceed because Plaintiff neither paid the required filing and administrative fees nor obtained permission to proceed in forma pauperis.

KEY QUOTATIONS

“Rule 41(b) permits a court to dismiss an action sua sponte for failure to prosecute or follow orders of the court.”

“This authority flows from a court’s inherent power to control its docket, prevent undue delays in the disposition of pending cases, and avoid congested court calendars.”

FACTUAL BACKGROUND

Latriece Necole Embry filed a civil complaint against Safelite Fulfillment, LLC and sought to proceed in forma pauperis. The court determined that her IFP application was deficient because she had not used the required form, which sought information necessary to assess her pauper status. Although the court provided the proper form and ordered her to pay the filing and administrative fees or submit an amended long-form application by December 30, 2025, she did not comply, request an extension, cure the deficiency, or communicate with the court.

PROCEDURAL HISTORY

Plaintiff filed the complaint on December 10, 2025. The case was referred to the magistrate judge for judicial screening. The court found Plaintiff's initial IFP application deficient, ordered her to pay the required fees or file a proper amended application by December 30, 2025, and warned that noncompliance could result in dismissal. Plaintiff did neither, and the magistrate judge issued findings, conclusions, and a recommendation that the complaint be dismissed without prejudice; the recommendation remained subject to objections and review by the district judge.

DISPOSITION

other

CASES CITED

- McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629-31 (1962)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)

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