

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Thomas H. Byrd v. Mobile County Metro Jail

Byrd · No. 1:25-cv-307-TFM-B · Decided December 3, 2025

SUMMARY

The United States District Court for the Southern District of Alabama adopted the Magistrate Judge’s report and recommendation and dismissed Thomas H. Byrd’s action without prejudice. The dismissal was based on failure to prosecute, failure to comply with orders requiring payment of a partial filing fee, and failure to update the Court regarding his address.

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	1:25-cv-307-TFM-B
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted 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.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Thomas H. Byrd v. Mobile County Metro Jail

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action sua sponte and without prejudice for failure to prosecute and failure to comply with court orders.

HOLDINGS

1. Federal Rule of Civil Procedure 41(b) authorizes dismissal of a complaint for failure to prosecute or failure to comply with a court order or the federal rules, and the court may exercise its inherent power to make that dismissal sua sponte.

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.”

FACTUAL BACKGROUND

After filing his complaint, Thomas H. Byrd did not take any further action despite several court orders requiring payment of the partial filing fee. He failed to comply with those orders and did not advise the court that he had changed addresses and no longer appeared to be housed at the Mobile County Metro Jail. The court had previously issued orders and notices concerning his obligations.

PROCEDURAL HISTORY

Plaintiff filed the action on July 28, 2025. The court issued orders requiring him to pay the partial filing fee, but he took no further action, failed to comply with the orders, and failed to notify the court of his change of address. The magistrate judge recommended dismissal without prejudice, and the district court adopted the recommendation and dismissed the action.

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 (11th Cir. 2018)
- 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

Byrd

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

THOMAS H. BYRD,)

) Plaintiff,)) vs.) CIV. ACT. NO. 1:25-cv-307-TFM-B)

MOBILE COUNTY METRO JAIL,)

) Defendant.)

MEMORANDUM OPINION AND ORDER

On October 28, 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. 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). Since the filing of his complaint on July 28, 2025, there has been no additional action by the Plaintiff despite several orders for him to pay the partial filing fee. See Docs. 5, 7. Further, Plaintiff failed to advise the Court of his change in address and no longer appears to be at the Mobile County Metro Jail. 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. Moorner

TERRY F. MOORER

UNITED STATES DISTRICT JUDGE

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