

**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.

OPINION

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. Moorer TERRY F. MOORER UNITED STATES DISTRICT JUDGE