

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
GEORGIA, MACON DIVISION

**Luis Alberto Morales v. Warden Teketa Jester, et al.**

Morales v. Jester · No. 5:25-cv-00457-MTT-ALS · Decided February 18, 2026

SUMMARY

The United States District Court for the Middle District of Georgia dismissed Luis Alberto Morales’s pro se action without prejudice for failure to comply with court orders and failure to prosecute. The court denied his pending motions as moot and relied on Federal Rule of Civil Procedure 41(b) and Eleventh Circuit precedent concerning sua sponte dismissal.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Georgia, Macon Division                                                                                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Marc T. Treadwell                                                                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Middle District of Georgia, Macon Division                                                                                                                                                                                                                                                                                                                  |
| DECIDED               | February 18, 2026                                                                                                                                                                                                                                                                                                                                                                                |
| DOCKET                | 5:25-cv-00457-MTT-ALS                                                                                                                                                                                                                                                                                                                                                                            |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | A pro se prisoner filed a complaint under 42 U.S.C. § 1983 challenging his state-court sentence and seeking release from prison. After the court ordered him to recast the pleading as either a § 1983 civil-rights complaint or a federal habeas petition, and after he failed to comply despite additional notice and an extension, the district court dismissed the action without prejudice. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                                                                                                      |
| PARTIES               | Luis Alberto Morales v. Warden Teketa Jester, et al.                                                                                                                                                                                                                                                                                                                                             |

TOPICS

- civil procedure
- section 1983
- federal habeas corpus
- pleadings

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to obey court orders and failure to prosecute.
2. Whether the plaintiff's pending motions should be denied as moot following dismissal of the action.

## HOLDINGS

1. A district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute the action or fails to obey a court order; because Morales repeatedly failed to file the required recast complaint after receiving notice and an extension, dismissal without prejudice was warranted.
2. The plaintiff's motion to proceed in forma pauperis and motion to dismiss without prejudice or proceed as the court deemed proper were denied as moot because the civil action had been dismissed.

## KEY QUOTATIONS

*"The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order."* (2)

## FACTUAL BACKGROUND

Luis Alberto Morales, a prisoner at Riverbend Correctional Facility, filed a form complaint under 42 U.S.C. § 1983 challenging his state-court sentence and seeking release from prison. The court found it unclear whether he intended to pursue civil-rights relief or federal habeas relief and ordered him to file a properly recast pleading. Despite notice that noncompliance could result in dismissal, a show-cause order, and an extension of time, Morales did not file the required recast complaint.

## PROCEDURAL HISTORY

The magistrate judge initially determined that the pleading was unclear as to whether Morales intended to pursue a § 1983 action or federal habeas relief and ordered him to recast it using the appropriate form. Morales did not timely respond, was ordered to show cause, and then obtained a fourteen-day extension. He still failed to file a recast complaint, so the district court dismissed for failure to obey court orders and failure to prosecute. The court denied his motions to proceed in forma pauperis and to dismiss without prejudice or proceed as appropriate as moot.

## DISPOSITION

dismissed

## CASES CITED

- Brown v. Tallahassee Police Dep't, 205 F. App'x 802, 802 (11th Cir. 2006)

- *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)
- *Duong Thanh Ho v. Costello*, 757 F. App'x 912 (11th Cir. 2018)

## OPINION

MORALES

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF GEORGIA

MACON DIVISION

LUIS ALBERTO MORALES, : Plaintiff, : : Case No. 5:25-cv-00457-MTT-ALS v. : Warden  
TEKETA JESTER, et al., : Defendants. :

## DISMISSAL ORDER

Pro se Plaintiff Luis Alberto Morales, a prisoner at Riverbend Correctional Facility in Milledgeville, Georgia, filed a complaint utilizing a standard form for 42 U.S.C § 1983 complaints. ECF No. 1. In his pleading, Plaintiff challenged his state court sentence and requested to be released from prison. Id. On November 3, 2025, the Magistrate Judge conducted an initial review of Plaintiff's pleading and rightfully concluded that it was unclear whether Plaintiff intended for his lawsuit to be a 42 U.S.C § 1983 civil rights complaint or whether he intended to pursue a federal habeas corpus action. ECF No. 4. Thus, Plaintiff was ordered to recast his complaint as either a civil rights complaint or as a habeas action on the court's standard form for the type of complaint he intended to pursue and was provided instructions on how to do so. Id. Plaintiff was given fourteen (14) days to comply with the Court's Order and was informed that failure to fully and timely comply with an Order of the Court could result in dismissal of this action. Id. Plaintiff did not respond. Therefore, on December 3, 2025, the Court notified Plaintiff that he failed to comply with an Order of the Court. ECF No. 5. Plaintiff was ordered to show cause why this action should not be dismissed for failure to comply with the Court's Order. Id. The Court again informed Plaintiff that should he fail to respond or otherwise comply with Court orders, this civil action can be dismissed. Id. Plaintiff was given fourteen (14) days to comply. Plaintiff responded with a request for an extension of time. ECF No. 6. On January 8, 2026, Plaintiff was granted an additional fourteen days to recast his complaint as previously ordered. ECF No. 9. The time for compliance has passed and Plaintiff has not filed a recast complaint as ordered. Due to Plaintiff's failure to follow the Court's orders and failure to prosecute this action, the case is hereby DISMISSED WITHOUT PREJUDICE. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (first citing Fed. R. Civ. P. 41(b); then citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order."); *Duong Thanh Ho v. Costello*, 757 F. App'x 912 (11th Cir. 2018) (holding that the district court did not abuse its discretion in sua sponte dismissing without prejudice prisoner's pro

se § 1983 complaint for failure to comply with court order to file amended complaint where order expressly informed prisoner of deficiencies in his complaint and rules that he needed to follow in filing amended complaint). Due to the dismissal of this civil action, Plaintiff's motion to proceed in forma pauperis (ECF No. 3) and "motion to dismiss without prejudice or 2 proceed as the court deems proper" (ECF No. 10) are DENIED as moot. SO ORDERED, this 18th day of February, 2026. S/ Marc T. Treadwell\_\_\_\_\_

MARC T. TREADWELL, JUDGE

UNITED STATES DISTRICT COURT

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