

**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.

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