

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, SOUTHERN DIVISION

Nicholas Carver v. Kenny Unknown, et al.

Carver · No. 1:25-cv-00206-TBM-RPM · Decided March 4, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi dismissed Nicholas Carver’s 42 U.S.C. § 1983 action without prejudice. The court dismissed the case under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with multiple court orders.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Southern Division
WRITING FOR THE COURT	Taylor B. McNeel
JURISDICTION	United States District Court for the Southern District of Mississippi, Southern Division
DECIDED	March 4, 2026
DOCKET	1:25-cv-00206-TBM-RPM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Sua sponte dismissal of a pro se prisoner's 42 U.S.C. § 1983 action for failure to prosecute and failure to comply with court orders.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Nicholas Carver v. Kenny Unknown, et al.

TOPICS

- sanctions
- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- civil rights
- prisoner litigation
- civil procedure

QUESTIONS PRESENTED

- Whether the court could dismiss the action without prejudice under Federal Rule of Civil Procedure 41(b) for Plaintiff's failure to prosecute and failure to comply with multiple court orders.

HOLDINGS

1. A district court may dismiss an action without prejudice under Rule 41(b) and its inherent authority when a plaintiff repeatedly fails to comply with court orders and lesser sanctions have proved futile.

KEY QUOTATIONS

“The Court may dismiss an action for Plaintiff’s failure to prosecute under Federal Rule of Civil Procedure 41(b) and the Court’s “inherent power” . . . to manage [its] own affairs.””

“Since Plaintiff has failed to comply with three Court Orders [8] [7] [6], the Court finds that this case should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and for failing to respond to a Court order.”

FACTUAL BACKGROUND

Nicholas Carver, an inmate at the Hancock County Jail, brought claims under 42 U.S.C. § 1983. During PLRA screening, the court ordered him to answer questions relevant to assessing his claims, but he failed to respond by the deadline. He also failed to respond to an order to show cause and a second and final order to show cause, despite repeated warnings that noncompliance could result in dismissal; he had not communicated with the court about the lawsuit since August 4, 2025.

PROCEDURAL HISTORY

While screening the action under the Prison Litigation Reform Act, the court ordered Plaintiff to answer questions concerning his claims. After Plaintiff failed to respond, the court issued an order to show cause and then a second and final order to show cause, each warning that noncompliance would result in dismissal without prejudice. Plaintiff did not respond to any of the orders, and the court dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 630-31, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962)
- McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988)
- Fauzi v. Royal Hospitality Services, LLC, No. 1:14-cv-83-HSO-RHW, 2016 WL 3166581, at *2 (S.D. Miss. June 6, 2016)
- Tello v. Comm'r of Internal Revenue, 410 F.3d 743, 744 (5th Cir. 2005)
- Berry v. CIGNA/RSI-CIGNA, 975 F.2d 1188, 1191 (5th Cir. 1992)