

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Jonathan Darnell Fitts v. Lt. Crabtree, et al.

Case No. 2:24-cv-01040 (S.D. Ohio) · No. 2:24-cv-01040 · Decided January 12, 2026

SUMMARY

The magistrate judge recommends dismissing Jonathan Darnell Fitts’s civil rights action for failure to prosecute and failure to serve process. The recommendation is based on Plaintiff’s failure to submit required summonses and U.S. Marshal forms despite court orders and warnings, as well as the expiration of the service deadline under Federal Rule of Civil Procedure 4(m). The magistrate judge also recommends certifying that an appeal would not be taken in good faith and denying leave to appeal in forma pauperis.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Caroline H. Gentry
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 12, 2026
DOCKET	2:24-cv-01040
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation by a magistrate judge recommending dismissal of a prisoner civil-rights action for failure to prosecute and failure to serve process.
STANDARD OF REVIEW	A district judge must make a de novo determination of portions of a report and recommendation to which specific objection is made under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jonathan Darnell Fitts v. Lt. Crabtree, et al.

TOPICS

- service of process
- default
- civil procedure
- civil rights
- prisoners rights

PRACTICE AREAS

civil procedure

prisoner civil rights

service of process

failure to prosecute

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute and failure to comply with court orders under Federal Rule of Civil Procedure 41(b) and the court's inherent authority.
2. Whether the action should be dismissed without prejudice for failure to serve the remaining defendants within the 90-day period required by Federal Rule of Civil Procedure 4(m).
3. Whether the court should certify that an appeal from an order adopting the recommendation would not be taken in good faith and deny leave to appeal in forma pauperis.

HOLDINGS

1. The magistrate judge recommended dismissal because Plaintiff repeatedly failed to comply with orders requiring him to submit service forms and failed to prosecute the action.
2. The magistrate judge recommended dismissal without prejudice against the unserved defendants because the Rule 4(m) service period had expired and Plaintiff had not shown good cause for the failure.

KEY QUOTATIONS

“District courts also have the inherent power to sua sponte dismiss civil actions for want of prosecution [in order to] to manage their own affairs [and] achieve the orderly and expeditious disposition of cases.”

“If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”

FACTUAL BACKGROUND

Plaintiff, a state prisoner proceeding pro se, failed to submit the summonses and U.S. Marshal forms necessary to serve the remaining defendants. The magistrate judge twice ordered him to provide the forms, set deadlines, and warned that noncompliance could result in dismissal. Plaintiff took no action in the case after September 2024, and the 90-day service period elapsed without service or a showing of good cause.

PROCEDURAL HISTORY

Fitts filed this civil-rights action in March 2024 and was ordered to file an amended complaint. After screening, some claims were permitted to proceed and the remaining claims were dismissed. Fitts failed to provide the completed summonses and U.S. Marshal forms required to serve the remaining defendants despite two court orders and warnings that the action could be dismissed. The magistrate judge recommended dismissal, subject to the parties' right to object and de novo review by the district judge.

DISPOSITION

other

CASES CITED

- Rogers v. City of Warren, 302 F. App'x 371, 375 & n.4 (6th Cir. 2008)
- Link v. Wabash R.R., 370 U.S. 626, 630-31 (1962)
- McGore v. Wrigglesworth, 114 F.3d 601 (6th Cir. 1997)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

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