

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, GAINESVILLE DIVISION

Earl Levon Baker, Jr. v. Brian S. Kramer, et al.

Baker · No. 1:25cv377/MW/ZCB · Decided February 24, 2026

SUMMARY

This Report and Recommendation addresses dismissal of an inmate’s pro se civil action for failure to comply with court orders. The plaintiff did not file a required second amended complaint, pay the initial partial filing fee, or respond to an order to show cause. The magistrate judge recommended dismissal without prejudice under the Northern District of Florida’s local rule and related Eleventh Circuit authority.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida, Gainesville Division
WRITING FOR THE COURT	Zachary C. Bolitho
JURISDICTION	United States District Court for the Northern District of Florida, Gainesville Division
DECIDED	February 24, 2026
DOCKET	1:25cv377/MW/ZCB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation in a pro se prisoner's civil-rights action recommending dismissal without prejudice for failure to comply with court orders requiring a second amended complaint and payment of an initial partial filing fee.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Earl Levon Baker, Jr. v. Brian S. Kramer, et al.

TOPICS

- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Plaintiff failed to comply with orders requiring a second amended complaint and payment of an initial partial filing fee.
2. Whether the returned-as-undeliverable show-cause order excused Plaintiff's failure to comply with the court's orders.

HOLDINGS

1. Dismissal without prejudice is warranted when a plaintiff fails to comply with applicable court orders, including orders requiring an amended complaint and payment of an initial partial filing fee.
2. A show-cause order being returned as undeliverable does not excuse a plaintiff's failure to comply with prior court orders when the plaintiff was responsible for ensuring that the court had an accurate mailing address.

KEY QUOTATIONS

“party fails to comply with an applicable rule or a court order”

FACTUAL BACKGROUND

Plaintiff, an inmate proceeding pro se and in forma pauperis, failed to file a second amended complaint correcting deficiencies identified during screening. He also failed to pay the court-ordered initial partial filing fee or show good cause for noncompliance, and the court noted that he had not maintained an accurate mailing address.

PROCEDURAL HISTORY

Plaintiff filed a complaint and then an amended complaint. After screening under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, the court ordered Plaintiff to file a compliant second amended complaint and pay an initial partial filing fee. Plaintiff failed to comply with those orders and did not respond to a subsequent show-cause order, leading the magistrate judge to recommend dismissal without prejudice.

DISPOSITION

dismissed

CASES CITED

- Duong Thanh Ho v. Costello, 757 F. App'x 912, 914-15 (11th Cir. 2018)
- Gilbert v. Daniels, 725 F. App'x 789, 792 (11th Cir. 2018)
- Frith v. Curry, 812 F. App'x 933, 935 (11th Cir. 2020)
- Washington v. Escambia Cnty. Jail, No. 3:22cv4842, 2022 WL 4486079, at *1-2 (N.D. Fla. June 6, 2022)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION EARL LEVON BAKER, JR., Plaintiff, v. Case No.:
1:25cv377/MW/ZCB BRIAN S. KRAMER, et al., Defendant. / REPORT AND
RECOMMENDATION Plaintiff, an inmate proceeding pro se and in forma pauperis (IFP),
commenced this action by filing a complaint. (Doc. 1). Plaintiff later filed an amended complaint.

(Doc. 5). The Court performed its screening duty under 28 U.S.C. §§ 1915(e)(2)(B), 1915A(a)-(b) and determined that the amended complaint was deficient. (Doc. 8). Accordingly, on December 30, 2025, the Court ordered Plaintiff to file a second amended complaint that fixed the deficiencies within twenty-one days. (Id. at 10). Also on December 30, 2025, the Court ordered Plaintiff to pay an initial partial filing fee of \$15.86 within twenty-one days.

(Doc. 7). Plaintiff did not file a second amended complaint by the deadline. Nor did Plaintiff pay the initial partial filing fee by the deadline. Therefore, on January 29, 2026, the Court ordered Plaintiff to show cause, within fourteen days, why this case should not be dismissed for failure to comply with Court orders. (Doc. 12).

The Court notified Plaintiff that his failure to show cause would result in a recommendation of dismissal. (Id.). The deadline for compliance with the show cause order has now passed. Plaintiff has not filed a second amended complaint, paid the initial partial filing fee, or provided good cause for his failure to comply with the Court's orders.

Thus, dismissal is warranted.¹ For the reasons above, it is respectfully RECOMMENDED that this case be DISMISSED without prejudice for Plaintiff's failure to comply with Court orders. See N.D. Fla. Loc. R. 41.1 (authorizing dismissal if a "party fails to comply with an applicable rule or a court order"); see also *Duong Thanh Ho v. Costello*, 757 F. App'x 912, 914-15 (11th Cir. 2018) (affirming dismissal where plaintiff failed to update the court of his address change, which prevented him from complying with court orders); see also *Washington v. Escambia Cnty.*

(See Doc. 13). But this does not excuse Plaintiff's failure to comply because it was his obligation to ensure the Court had his accurate mailing address. (Doc. 3 at 2). See *Gilbert v. Daniels*, 725 F. App'x 789, 792 (11th Cir. 2018) (affirming district court's dismissal where plaintiff failed to update the court of his address change, which prevented him from complying with court orders); see also *Washington v. Escambia Cnty.*

Jail, No. 3:22cv4842, 2022 WL 4486079, at *1-2 (N.D. Fla. June 6, 2022) (dismissing complaint where pro se plaintiff failed to ensure the Court maintained his current mailing address), adopted, 2022 WL 4486984 (N.D. Fla. Sept. 27, 2022). (11th Cir. 2018) (affirming dismissal where pro se plaintiff failed to file an amended complaint as directed); *Frith v. Curry*, 812 F. App'x 933, 935 (11th Cir.

2020) (affirming dismissal where prisoner failed to pay the initial partial filing fee and failed to respond to a magistrate judge's order to show cause as to why the filing fee had not been paid). At

Pensacola, Florida, this 24th day of February 2026. /s/ Zachary C. Bolitho United States Magistrate Judge Notice to the Parties Objections to these proposed findings and recommendations must be filed within fourteen days of the date of the Report and Recommendation.

Any different deadline that may appear on the electronic docket is for the court's internal use only and does not control. An objecting party must serve a copy of the objections on all other parties. A party who fails to object to the magistrate judge's findings or recommendations contained in a report and recommendation waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions.

See 11th Cir. Rule 3-1; 28 U.S.C. § 636.