

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, FORT WORTH DIVISION

Mashiach C. Lassiter v. Clerk of Court, et al.

Lassiter · No. 4:25-cv-1307-O-BP · Decided December 16, 2025

SUMMARY

A United States magistrate judge recommends dismissing Mashiach C. Lassiter’s civil complaint without prejudice for failure to comply with an order requiring payment of filing fees or submission of a complete in forma pauperis application. The recommendation also addresses Plaintiff’s purported interlocutory appeal, concluding that it challenges a nonappealable pretrial order and is frivolous.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Fort Worth Division
WRITING FOR THE COURT	Hal Ray, Jr.
JURISDICTION	United States District Court for the Northern District of Texas, Fort Worth Division
DECIDED	December 16, 2025
DOCKET	4:25-cv-1307-O-BP
DISPOSITION	other
PROCEDURAL POSTURE	A pro se plaintiff filed a civil rights complaint and an application to proceed in forma pauperis. After the court ordered him to pay the filing and administrative fees or submit a complete long-form IFP application, he failed to comply. The magistrate judge issued findings, conclusions, and a recommendation that the complaint be dismissed without prejudice for failure to prosecute and failure to obey court orders.
STANDARD OF REVIEW	The district judge must conduct a de novo determination of portions of the magistrate judge's proposed findings and recommendations to which specific, timely objections are made. The recommendation also applies the Rule 41(b) failure-to-prosecute standard.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

civil procedure

sanctions

interlocutory appeal

appellate jurisdiction

appellate procedure

PRACTICE AREAS

civil procedure

appellate procedure

civil rights

in forma pauperis

QUESTIONS PRESENTED

1. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to obey the court's order requiring payment of fees or submission of a complete IFP application.
2. Whether the plaintiff's purported interlocutory appeal from the court's deficiency order was frivolous and nonappealable.

HOLDINGS

1. Federal Rule of Civil Procedure 41(b) permits a court to dismiss an action sua sponte when the plaintiff fails to prosecute or fails to comply with the court's orders.
2. The plaintiff's purported appeal from the court's November 24 deficiency order was frivolous because the order was a nonappealable interlocutory pretrial order and did not divest the district court of jurisdiction.

KEY QUOTATIONS

“Rule 41(b) permits a court to dismiss an action sua sponte for failure to prosecute or follow orders of the court.” (at 2)

“The undersigned therefore RECOMMENDS that Chief United States District Judge Reed O’Connor DISMISS Plaintiff’s Complaint for lack of prosecution and for failure to obey court orders, without prejudice to being refiled.” (at 3)

FACTUAL BACKGROUND

Plaintiff filed a new civil action against the Clerk of Court for the 325th District Court of Tarrant County, Tarrant County, and the State of Texas. He neither paid the required \$405 filing and administrative fees nor initially filed an IFP application. After receiving an order to cure the deficiency, he failed to submit the required long-form IFP application or request an extension, instead filing an incomplete short-form application and a motion construed as a notice of interlocutory appeal.

PROCEDURAL HISTORY

Lassiter filed the action on November 18, 2025, without paying the required fees or filing an IFP application. The court ordered him to cure the deficiency by December 8, 2025, but he filed only a deficient short-form IFP application and a motion construed as a notice of interlocutory appeal. The magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b), subject to objections and review by the district judge.

DISPOSITION

other

CASES CITED

- McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629-31 (1962)
- BancPass, Inc. v. Highway Toll Admin., LLC, 863 F.3d 391, 397 (5th Cir. 2017)
- Propes v. Dretke, 130 F. App'x 654, 655 (5th Cir. 2005)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)

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