

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Shlomo I. Ovadiah v. United States Securities and Exchange
Commission and Gary Gensler

Ovadiah · No. 25-cv-25315-JB/DSW · Decided March 24, 2026

SUMMARY

A United States magistrate judge recommends dismissing the pro se plaintiff’s case without prejudice because he failed to pay the filing fee, file an application to proceed in forma pauperis, or renew his request to pay the fee in installments after being ordered to do so. The recommendation explains that federal courts have inherent authority to dismiss for failure to comply with court orders and provides the parties with fourteen days to file objections.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Detra Shaw-Wilder
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 24, 2026
DOCKET	25-cv-25315-JB/DSW
DISPOSITION	other
PROCEDURAL POSTURE	On sua sponte review, the magistrate judge issued a report and recommendation recommending dismissal without prejudice because Plaintiff failed to pay the filing fee, file a long-form application to proceed in forma pauperis, or renew his motion to pay the fee in installments after being ordered to do so.
STANDARD OF REVIEW	Sua sponte review of the record; dismissal recommended under the court's inherent authority for failure to comply with court orders.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Court should dismiss the action without prejudice under its inherent authority because Plaintiff failed to comply with orders requiring payment of the filing fee or submission of an appropriate application to proceed without prepayment.

HOLDINGS

1. A federal court may exercise its inherent power to dismiss a complaint when a plaintiff fails to comply with a court order, including an order requiring payment of the filing fee or submission of information supporting indigency. Because Plaintiff disregarded repeated opportunities and warnings to comply, dismissal without prejudice was recommended.

KEY QUOTATIONS

“ “[f]ederal courts possess an inherent power to dismiss a complaint for failure to comply with a court order.” ”

“The goal of this sanction is ‘to prevent undue delays in the disposition of pending cases and to avoid congestion in the’ court’s calendar so that the court can “achieve the orderly and expeditious disposition of cases.” ”

FACTUAL BACKGROUND

Shlomo I. Ovadia filed a complaint against the United States Securities and Exchange Commission and Gary Gensler but did not pay the filing fee. After the Court denied his initial motion to pay the fee in installments or defer payment, Plaintiff was given opportunities to provide financial information through a renewed motion or a long-form application to proceed in forma pauperis. Plaintiff failed to pay the fee or file either required submission by the court-ordered deadline.

PROCEDURAL HISTORY

Plaintiff filed the complaint on November 14, 2025, along with a motion to pay the filing fee in installments or defer payment. The Court denied that motion for lack of financial information but allowed Plaintiff to refile it or submit a long-form in forma pauperis application. After Plaintiff failed to do so, the Court issued a February 12, 2026 order to show cause requiring one of those actions by February 26, 2026. Plaintiff did not comply, and the magistrate judge recommended dismissal without prejudice.

DISPOSITION

other

CASES CITED

- *Acosta v. Social Security Administration*, No. 25-CV-23879, 2025 WL 3897565, at *2 (S.D. Fla. Dec. 16, 2025), report and recommendation adopted, No. 25-23879-CIV, 2026 WL 36458 (S.D. Fla. Jan. 6, 2026)
- *Foudy v. Indian River County Sheriff's Office*, 845 F.3d 1117, 1126 (11th Cir. 2017)
- *Thomas v. Arn*, 474 U.S. 140 (1985)

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