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PRECEDENTIAL VALUE	nonprecedential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

civil procedure federal courts in forma pauperis procedure

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. Ovadiah 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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA Case No.: 25-cv-25315-JB/DSW SHLOMO I. OVADIAH, Plaintiff, v. UNITED STATES SECURITIES AND EXCHANGE COMMISSION and GARY GENSLER Defendants. REPORT AND RECOMMENDATION TO DISMISS CASE WITHOUT PREJUDICE THIS CAUSE is before the Court on a sua sponte review of the record. This case has been assigned to the Honorable Jacqueline Becerra, and the undersigned is assigned to the case in accordance with Administrative Order 2025-11.

[ECF Nos. 2, 10]. Upon thorough and careful review of the record, the undersigned respectfully recommends that this case be DISMISSED WITHOUT PREJUDICE for the reasons outlined below. On November 14, 2025, pro se Plaintiff Shlomo I. Ovadiah ("Plaintiff") filed a Complaint against Defendants United States Securities and Exchange Commission and Gary Gensler (collectively, "Defendants").

[ECF No. 1]. Contemporaneously, Plaintiff filed a Motion for Leave to Pay Filing Fee in Installments or in the Alternative, to Defer Payment. [ECF No. 3]. The Court denied Plaintiff's motion "because Plaintiff failed to provide any information concerning his financial status," but granted Plaintiff leave to either (1) refile a motion seeking the same relief that included information regarding his financial status, or (2) file an Application to Proceed In Forma Pauperis (long form) for the court's consideration.

[ECF No. 7]. On February 12, 2026, the Court entered a sua sponte order to show cause, ordering Plaintiff to either (1) pay the filing fee, (2) file an Application to Proceed In Forma Pauperis (long form), or (3) re-file a motion for leave to pay filing fee in installments or in the alternative, to defer payment by February 26, 2026. [ECF No. 8].

However, to date, Plaintiff has not paid the filing fee, has not filed a renewed Motion for Leave to Pay Filing Fee in Installments, and has not filed an Application to Proceed In Forma Pauperis (long form). When a plaintiff fails to comply with the Court's orders to pay the filing fee, or as in this case when the Court gave Plaintiff the opportunity to demonstrate his indigency, "[f]ederal courts possess an inherent power to dismiss a complaint for failure to comply with a court order." Acosta v. Soc.

Sec. Admin., 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); accord

Foudy v. Indian River Cnty. Sheriff's Off., 845 F.3d 1117, 1126 (11th Cir. 2017). “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.” Acosta, 2025 WL 3897565, at *2.

The Court has already given Plaintiff the opportunity to pay the filing fee, file a motion to proceed in forma pauperis, or refile its motion to pay the filing fee in installments by February 26, 2026 and has warned Plaintiff that failure to do so may result in dismissal. See [ECF Nos. 7, 8]. Plaintiff has still failed to comply with the Orders and his failure to comply has caused delay in this case.

For these reasons, the undersigned hereby RECOMMENDS that the Court exercise its inherent power to DISMISS this case without prejudice. Within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file written objections to any of the above findings and recommendations as provided by the Local Rules for this district.

28 U.S.C. § 636(b)(1). Any response shall be filed within seven (7) days of the objections. The parties are hereby notified that a failure to timely object waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions contained in this Report and Recommendation. 11th Cir. R. 3-1 (2016); see Thomas v. Arn, 474 U.S. 140 (1985).

DONE AND ORDERED in Fort Lauderdale, Florida, this 24th day of March, 2026. DETRA SHAW-WILDER UNITED STATES MAGISTRATE JUDGE ce: All Counsel of Record Shlomo I. Ovadiah, Pro Se 330 5th Avenue SW, Suite 1800 Calgary, Alberta T2P 0J4 Canada