

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, PANAMA CITY DIVISION

Roland Graybill and Brittany Grumbling v. Florida Department of
Children and Families, et al.

Graybill · No. 5:25-cv-280-MW-MJF · Decided December 30, 2025

SUMMARY

A United States magistrate judge recommends that the action be dismissed without prejudice because the plaintiffs failed to comply with two court orders and failed to prosecute the case. The recommendation also asks the clerk to close the case file and advises the parties of the fourteen-day deadline for filing objections.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida, Panama City Division
WRITING FOR THE COURT	Michael J. Frank
JURISDICTION	United States District Court for the Northern District of Florida, Panama City Division
DECIDED	December 30, 2025
DOCKET	5:25-cv-280-MW-MJF
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on dismissal of a civil action for failure to comply with court orders and failure to prosecute.
STANDARD OF REVIEW	Dismissal for failure to comply with a court order or failure to prosecute is committed to the district court's discretion and may be ordered sua sponte under Federal Rule of Civil Procedure 41(b).
PRECEDENTIAL VALUE	Nonprecedential report and recommendation
PARTIES	Roland Graybill, Brittany Grumbling v. Florida Department of Children and Families, et al.

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

civil procedure

federal civil rights procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Plaintiffs failed to comply with two court orders.
2. Whether the action should be dismissed sua sponte for failure to prosecute.

HOLDINGS

1. The magistrate judge recommended that the action be dismissed without prejudice because Plaintiffs failed to comply with two court orders, failed to prosecute the action, and offered no excuse or good cause for their failures.

KEY QUOTATIONS

“Federal courts possess an inherent power to dismiss a complaint for failure to comply with a court order.”
(Discussion)

“Because Plaintiffs failed to comply with court orders and failed to prosecute this action the undersigned respectfully RECOMMENDS that the District Court:” (Conclusion)

FACTUAL BACKGROUND

Plaintiffs were ordered to file an amended complaint on a court-approved form by November 17, 2025. They failed to comply, and they also failed to respond to a subsequent order requiring them to explain their noncompliance and show cause by December 15, 2025. Plaintiffs offered no excuse or good cause for either failure.

PROCEDURAL HISTORY

The magistrate judge ordered Plaintiffs to file an amended complaint on an approved form by November 17, 2025. After Plaintiffs failed to comply, the magistrate judge ordered them to show cause by December 15, 2025, and again warned that noncompliance could result in dismissal. Plaintiffs did not comply with either order, leading the magistrate judge to recommend dismissal without prejudice and closure of the case.

DISPOSITION

other

REMAND INSTRUCTIONS

None. The magistrate judge recommended that the District Court dismiss the action without prejudice and direct the clerk to close the case file. The recommendation was subject to objections within fourteen days.

CASES CITED

- Foudy v. Indian River County Sheriff's Office, 845 F.3d 1117, 1126 (11th Cir. 2017)
- Link v. Wabash Railroad Co., 370 U.S. 626, 632 (1962)

OPINION

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION ROLAND GRAYBILL and BRITTANY GRUMBLING, Plaintiffs, v.
Case No. 5:25-cv-280-MW-MJF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, et
al., Defendants. / REPORT AND RECOMMENDATION Because Plaintiffs failed to comply with
two court orders and failed to prosecute this action, the District Court should dismiss this action
without prejudice.

BACKGROUND On October 17, 2025, the undersigned ordered Plaintiffs to file an amended
complaint on the court approved form. Doc. 4. The undersigned imposed a compliance deadline of
November 17, 2025, and warned Plaintiffs that the failure to comply with the order likely would
result in dismissal of this action. Plaintiffs did not comply with that order.

On December 1, 2025, the undersigned ordered Plaintiffs to explain and show cause for their
failure to comply with the undersigned's order of October 17, 2025. Doc. 5. The undersigned
imposed a deadline of December 15, 2025, to comply and again warned Plaintiffs that the failure
to comply with the order likely would result in dismissal of this action.

As of the date of this report and recommendation, Plaintiffs have not complied with that order.

DISCUSSION "Federal courts possess an inherent power to dismiss a complaint for failure to
comply with a court order." Foudy v. Indian River Cnty. Sheriff's Off., 845 F.3d 1117, 1126 (11th
Cir. 2017) (citations omitted); N.D. Fla. Loc. R. 41.1 (authorizing the court to dismiss an action, or
any claim within it, "[i]f a party fails to comply with an applicable rule or a court order").

A district court also may dismiss a civil action sua sponte for failure to prosecute. See Fed. R. Civ.
P. 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 632 (1962). Plaintiffs have failed to comply with
two court orders. Plaintiff have offered no excuse for their failures and, consequently, has not
shown good cause.

Accordingly, dismissal of this civil action is appropriate. CONCLUSION Because Plaintiffs failed
to comply with court orders and failed to prosecute this action the undersigned respectfully
RECOMMENDS that the District Court: 1. DISMISS this action without prejudice. 2. DIRECT
the clerk of the court to close the case file. At Pensacola, Florida, this 30th day of December, 2025.
/s/ Michael J. Frank Michael J. Frank United States Magistrate Judge NOTICE TO THE PARTIES
The District Court referred this case to a magistrate judge to address preliminary matters and to
make recommendations regarding dispositive matters.

See N.D. Fla. Loc. R. 72.2; see also 28 U.S.C. § 636(b)(1)(B), (C); Fed. R. Civ. P. 72(b).
Objections to these proposed findings and recommendations must be filed within fourteen (14)

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. R. 3-1; 28 U.S.C. § 636.