

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
GEORGIA, AUGUSTA DIVISION

Charles T. Thomas v. Sheriff Eugene Brantley; Captain Daniels;
Captain Harrell; and Captain Danko

CV 125-180 · No. CV 125-180 · Decided December 8, 2025

SUMMARY

A magistrate judge recommends dismissal without prejudice of Charles T. Thomas’s 42 U.S.C. § 1983 action because he failed to pay the filing fee, submit a new in forma pauperis motion, or otherwise respond to a court order. The recommendation relies on Federal Rule of Civil Procedure 41(b), the court’s inherent docket-management authority, and Southern District of Georgia Local Rule 41.1.

CASE DETAILS

COURT	United States District Court for the Southern District of Georgia, Augusta Division
WRITING FOR THE COURT	Brian K. Epps
JURISDICTION	United States District Court for the Southern District of Georgia, Augusta Division
DECIDED	December 8, 2025
DOCKET	CV 125-180
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff's § 1983 action was before the magistrate judge on a report and recommendation after Plaintiff failed to pay the filing fee, submit a renewed motion to proceed in forma pauperis, or otherwise respond to a court order.
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to comply with a court order under Federal Rule of Civil Procedure 41(b), the court's inherent docket-management authority, and Southern District of Georgia Local Rule 41.1.
PRECEDENTIAL VALUE	Unknown; magistrate judge's report and recommendation from a federal district court
PARTIES	Charles T. Thomas v. Sheriff Eugene Brantley, Captain Daniels, Captain Harrell, Captain Danko

TOPICS

civil procedure default section 1983 prisoners rights civil rights

PRACTICE AREAS

civil procedure civil rights prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to prosecute and failure to comply with the court's order requiring payment of the filing fee or submission of a new motion to proceed in forma pauperis.
2. Whether monetary sanctions were a feasible alternative to dismissal.

HOLDINGS

1. A district court may dismiss an action without prejudice under Federal Rule of Civil Procedure 41(b), its inherent docket-management authority, and applicable local rules when a plaintiff willfully fails to comply with a court order or otherwise fails to prosecute after receiving notice of the consequences.
2. Monetary sanctions were not a feasible alternative because Plaintiff had previously proceeded in forma pauperis and had already declined to pay the filing fee necessary to continue the action.

KEY QUOTATIONS

"Here, Plaintiff's failure to submit a new IFP motion, pay the filing fee, or communicate with the Court in any way amounts not only to a failure to prosecute, but also an abandonment of his case." (at 2)

FACTUAL BACKGROUND

Plaintiff, formerly detained at the Charles B. Webster Detention Center, filed a 42 U.S.C. § 1983 action and was initially permitted to proceed in forma pauperis. After Plaintiff was released, the court revoked his IFP status and ordered him to pay the \$405 filing fee or submit a new IFP motion. Plaintiff did neither, offered no explanation, and did not communicate with the court despite being warned that noncompliance would lead to a recommendation of dismissal without prejudice.

PROCEDURAL HISTORY

Thomas, formerly detained at the Charles B. Webster Detention Center, commenced this action under 42 U.S.C. § 1983 and was initially granted leave to proceed in forma pauperis. After his release, the court revoked IFP status and ordered him either to pay the \$405 filing fee or submit a new IFP motion. The court warned that noncompliance within twenty-one days would result in a recommendation of dismissal without prejudice. Thomas did not comply or communicate with the court, prompting this report and recommendation.

DISPOSITION

other

CASES CITED

- Equity Lifestyle Props., Inc. v. Florida Mowing & Landscape Serv., Inc., 556 F.3d 1232, 1240 (11th Cir. 2009)
- Eades v. Alabama Department of Human Resources, 298 F. App'x 862, 863 (11th Cir. 2008)
- Owens v. Pinellas County Sheriff's Department, 331 F. App'x 654, 655 (11th Cir. 2009)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)

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