

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA, WESTERN DIVISION

Ashley Galloway v. Federal Bureau of Investigation

Galloway · No. No. 5:25-CV-838-M-BM · Decided January 23, 2026

SUMMARY

A magistrate judge recommends dismissing Ashley Galloway’s pro se action against the Federal Bureau of Investigation for failure to prosecute and failure to comply with a deficiency order. The recommendation follows plaintiff’s failure to submit a completed financial disclosure statement and required summonses, despite being given a deadline and warning of possible dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina, Western Division
WRITING FOR THE COURT	Brian S. Meyers
JURISDICTION	United States District Court for the Eastern District of North Carolina, Western Division
DECIDED	January 23, 2026
DOCKET	No. 5:25-CV-838-M-BM
DISPOSITION	other
PROCEDURAL POSTURE	The pro se plaintiff applied to proceed in forma pauperis. After the court identified deficiencies in her filings and ordered her to submit corrected documents, the magistrate judge issued a Memorandum and Recommendation recommending sua sponte dismissal for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	A district court may dismiss an action sua sponte for lack of prosecution or failure to comply with a court order, but dismissal is not a sanction to be invoked lightly. The district judge must conduct a de novo determination of portions of the Memorandum and Recommendation to which proper objections are made.
PRECEDENTIAL VALUE	Nonprecedential memorandum and recommendation

TOPICS

- civil procedure
- sanctions
- motions to dismiss
- service of process

PRACTICE AREAS

civil procedure

federal courts

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether the court may recommend sua sponte dismissal for failure to prosecute and failure to comply with a court order.
2. Whether plaintiff's failure to cure the deficiencies identified in the court's order warranted dismissal of the action.

HOLDINGS

1. A federal trial court has inherent authority to dismiss an action sua sponte for lack of prosecution or violation of a court order, although dismissal is a sanction that should not be imposed lightly.
2. Dismissal without prejudice was recommended because plaintiff failed to respond to the court's deficiency order, failed to cure the identified deficiencies, and appeared not to intend to prosecute her claims at that time.

KEY QUOTATIONS

"A court has the inherent power to dismiss a case sua sponte for lack of prosecution or failure to comply with a court order."

"However, 'dismissal is not a sanction to be invoked lightly.'"

FACTUAL BACKGROUND

Ashley Galloway filed a pro se action against the Federal Bureau of Investigation and sought leave to proceed in forma pauperis. The court found that she had not provided a completed financial disclosure statement and that she had not supplied the summonses required for a federal agency or employee, the Attorney General, and the U.S. Attorney Civil Process Clerk. After receiving the necessary forms and a warning that failure to correct the deficiencies could lead to dismissal without prejudice, Galloway filed no additional documents and did not respond to the court's order.

PROCEDURAL HISTORY

Plaintiff initiated this federal case and applied to proceed in forma pauperis. The court ordered her to provide a completed financial disclosure statement and corrected summonses for the federal defendant and required federal officials. Although the Clerk mailed the necessary forms and plaintiff was warned that failure to cure the deficiencies could result in dismissal without prejudice, she filed nothing by the January 21, 2026 deadline. The magistrate judge recommended dismissal and allowed objections through February 6, 2026, subject to de novo review by the presiding district judge.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629 (1962)
- United States v. Merrill, 258 F.R.D. 302, 308 (E.D.N.C. 2009)
- Ballard v. Carlson, 882 F.2d 93, 95 (4th Cir. 1989)
- Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978)
- Wright v. Collins, 766 F.2d 841, 846-47 (4th Cir. 1985)

OPINION

Galloway

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF NORTH CAROLINA

WESTERN DIVISION

No. 5:25-CV-838-M-BM

ASHLEY GALLOWAY,)

) Plaintiffs,))

v.) MEMORANDUM AND

) RECOMMENDATION

FEDERAL BUREAU OF)

INVESTIGATION,)

) Defendant.) This pro se case is before the court on the application [DE-2] by plaintiff Ashley Galloway (“plaintiff”) to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1) and for a frivolity review pursuant to 28 U.S.C. § 1915(e)(2)(B). These matters were referred to the undersigned magistrate judge, pursuant to 28 U.S.C. § 636(b)(1). On January 7, 2026, the court issued an order [DE-4] noting the following deficiencies in plaintiff’s initial case filings: (i) a completed financial disclosure statement was not provided; and (ii) the defendant is a government agency or employee, and summonses are required for the agency or employee, the U.S. Attorney General, and the U.S. Attorney Civil Process Clerk. The Clerk of Court was directed to provide plaintiff, and did provide plaintiff via United States Mail, with blank copies of the necessary forms listed in the deficiency order for plaintiff’s completion. Plaintiff was directed to correct those deficiencies by returning the corrected documents no later than January 21, 2026. [DE-4] at 2. Plaintiff was warned that “[f]ailure to do so may result in the dismissal of this action without prejudice for failure to prosecute.” Id. To date, plaintiff has not made any additional filings in this case and, therefore, has not cured the noted deficiencies. Plaintiff has failed to respond to the court’s January 7, 2026 order. A court has the inherent power to dismiss a case sua sponte for lack of prosecution or failure to comply with a court order. See Link v. Wabash R.R. Co., 370 U.S. 626, 629 (1962) (“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.”); United States v. Merrill, 258

F.R.D. 302, 308 (E.D.N.C. 2009) (“Although Rule 41(b) does not itself provide for sua sponte dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order.” (citations omitted)). However, “dismissal is not a sanction to be invoked lightly.” *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (citing *Davis v. Williams*, 588 F.2d 69, 70) (4th Cir. 1978)). Here, plaintiff has failed to respond to the deficiency order entered on January 7, 2026. [DE-4]. Plaintiff was warned that a failure to correct the noted deficiencies may result in dismissal of the case. Given these failures, it appears plaintiff lacks the intent to prosecute her claims at this time. Accordingly, it is RECOMMENDED that the case be DISMISSED for failure to prosecute and to comply with the court’s order. IT IS DIRECTED that a copy of this Memorandum and Recommendation be served on plaintiff. Plaintiff shall have until February 6, 2026, to file written objections to this Memorandum and Recommendation. The presiding district judge must conduct his own review (that is, make a de novo determination) of those portions of the Memorandum and Recommendation to which objection is properly made and may accept, reject, or modify the determinations in the Memorandum and Recommendation; receive further evidence; or return the matter to the magistrate judge with instructions. See, e.g., 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); Local Civ. R. 1.1 (permitting modification of deadlines specified in local rules), 72.4(b), E.D.N.C. 2 If a party does not file written objections to the Memorandum and Recommendation by the foregoing deadline, the party will be giving up the right to review of the Memorandum and Recommendation by the presiding district judge as described above, and the presiding district judge may enter an order or judgment based on the Memorandum and Recommendation without such review. In addition, the party’s failure to file written objections by the foregoing deadline will bar defendant from appealing to the Court of Appeals from an order or judgment of the presiding district judge based on the Memorandum and Recommendation. See *Wright v. Collins*, 766 F.2d 841, 846-47 (4th Cir. 1985). Submitted, this 23rd of January, 2026. Brian S. Meyers United States Magistrate Judge