

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Eddie Van Oliver, III v. Mental Health Industry, et al.

Oliver v. Mental Health Industry · No. 2:25-cv-01380 · Decided January 8, 2026

SUMMARY

A magistrate judge recommends dismissing Eddie Van Oliver, III’s civil action under Federal Rule of Civil Procedure 41(b) for failure to prosecute. The recommendation is based on Plaintiff’s failure to pay the filing fee or file a properly supported motion to proceed in forma pauperis despite court orders and an express warning that noncompliance could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Chelsey M. Vascura
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	January 8, 2026
DOCKET	2:25-cv-01380
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation by a magistrate judge recommending dismissal under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to pay the filing fee or file a properly supported motion to proceed in forma pauperis after being ordered and warned to do so.
STANDARD OF REVIEW	For dismissal under Rule 41(b), the Sixth Circuit directs consideration of whether the failure resulted from willfulness, bad faith, or fault; whether the opposing party was prejudiced; whether the party was warned that failure to cooperate could result in dismissal; and whether less drastic sanctions were imposed or considered. Proper objections to a magistrate judge's report and recommendation receive de novo review under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Eddie Van Oliver, III v. Mental Health Industry, et al.

TOPICS

motions to dismiss

sanctions

civil procedure

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PRACTICE AREAS

civil procedure

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QUESTIONS PRESENTED

1. Whether Plaintiff's failure to comply with orders requiring payment of the filing fee or submission of a properly supported in forma pauperis motion warranted dismissal under Federal Rule of Civil Procedure 41(b).
2. Whether the Sixth Circuit's four-factor Rule 41(b) analysis supported dismissal where Plaintiff failed to comply after receiving a clear order and warning.

HOLDINGS

1. Plaintiff's failure to comply with the Court's orders to pay the filing fee or submit a properly supported in forma pauperis motion, after being warned that noncompliance could result in dismissal, constituted bad faith or contumacious conduct and supported dismissal under Rule 41(b).

KEY QUOTATIONS

"If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) . . . operates as an adjudication on the merits." (at 1)

"This measure is available to the district court as a tool to effect 'management of its docket and avoidance of unnecessary burdens on the taxsupported courts [and] opposing parties.'" (at 1)

"It is therefore RECOMMENDED that the Court DISMISS THIS ACTION under Rule 41(b) for failure to prosecute." (at 2)

FACTUAL BACKGROUND

Plaintiff failed to pay the \$405.00 filing fee or file a properly supported motion for leave to proceed in forma pauperis. He also failed to request an extension of time despite two court orders requiring compliance. The Court had expressly warned that failure to comply could result in dismissal for failure to prosecute.

PROCEDURAL HISTORY

The Court ordered Plaintiff to either pay the \$405.00 filing fee or move for leave to proceed in forma pauperis. Plaintiff failed to comply with those orders, did not request an extension, and had been expressly warned that noncompliance could result in dismissal. The magistrate judge issued this Report and Recommendation recommending dismissal for failure to prosecute; objections were permitted within fourteen days, after which a district judge would conduct de novo review of properly objected-to portions.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-31 (1962)
- Knoll v. AT&T, 176 F.3d 359, 363 (6th Cir. 1999)
- Schafer v. City of Defiance Police Department, 529 F.3d 731, 737 (6th Cir. 2008)
- Stough v. Mayville Community Schools, 138 F.3d 612, 615 (6th Cir. 1998)
- Steward v. County of Jackson, Tennessee, 8 F. App'x 294, 296 (6th Cir. 2001)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

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