

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, TALLAHASSEE DIVISION

Michael Aaron Bass v. Franklin County Sheriff's Office, et al.

Bass · No. 4:25cv479-AW-MAF · Decided January 8, 2026

SUMMARY

The report and recommendation addresses a pro se detainee’s failure to pay the filing fee or submit an in forma pauperis motion in a 42 U.S.C. § 1983 action. Because the plaintiff did not comply with a prior court order or otherwise prosecute the case, the magistrate judge recommends dismissal for failure to prosecute and failure to comply with a court order.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida, Tallahassee Division
WRITING FOR THE COURT	Martin A. Fitzpatrick
JURISDICTION	United States District Court for the Northern District of Florida, Tallahassee Division
DECIDED	January 8, 2026
DOCKET	4:25cv479-AW-MAF
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on a pro se detainee's civil-rights complaint recommending dismissal for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	A district court may dismiss sua sponte for failure to prosecute or failure to comply with a court order under its inherent docket-management authority; dismissal after disregard of a clear order and prior warning generally is not an abuse of discretion.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael Aaron Bass v. Franklin County Sheriff's Office, et al.

TOPICS

- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

civil procedure

prisoner civil rights

federal courts

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute after Plaintiff failed to comply with an order requiring payment of the filing fee or submission of an in forma pauperis motion.
2. Whether the court may recommend sua sponte dismissal under its inherent authority and applicable rules after Plaintiff disregarded a clear order despite being forewarned.

HOLDINGS

1. Because Plaintiff disregarded a clear and direct court order after being forewarned of the consequences, dismissal for failure to prosecute and failure to comply with the order was appropriate.

KEY QUOTATIONS

“A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte”
(Page 2)

“While dismissal is an extraordinary remedy, dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.” (Page 2)

“It is within this Court’s discretion and “inherent authority” to dismiss a case for failing to comply with a court Order.” (Page 2)

FACTUAL BACKGROUND

Michael Aaron Bass, a jail detainee proceeding pro se, submitted a civil-rights complaint under 42 U.S.C. § 1983. He neither paid the filing fee nor filed an in forma pauperis motion as required by statute and local rule. After the court gave him until December 22, 2025, to cure the deficiency and warned that dismissal would be recommended, Bass took no action and did not seek an extension.

PROCEDURAL HISTORY

Plaintiff initiated a civil-rights action under 42 U.S.C. § 1983 without paying the filing fee or submitting an in forma pauperis motion. The court gave him until December 22, 2025, to pay the \$405 filing fee or file the required motion, but he did neither and did not request an extension. The magistrate judge therefore recommended dismissal; the parties were notified of their right to object under Federal Rule of Civil Procedure 72(b)(2).

DISPOSITION

other

CASES CITED

- Ciosek v. Ashley, No. 3:13cv147-RV-CJK, 2015 WL 2137521, at *2 (N.D. Fla. May 7, 2015)
- Link v. Wabash R.R. Co., 370 U.S. 626, 630, 82 S. Ct. 1386, 1389, 8 L. Ed. 2d 734 (1962)
- Betty K Agencies, Ltd. v. M/V MONADA, 432 F.3d 1333, 1337 (11th Cir. 2005)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Smith v. Bruster, 424 F. App'x 912, 915 (11th Cir. 2011)

OPINION

Page 1 of 3 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA TALLAHASSEE DIVISION MICHAEL AARON BASS, Inmate # 3323578 Plaintiff, vs. Case No. 4:25cv479-AW-MAF FRANKLIN COUNTY SHERIFF'S OFFICE, et al., Defendants. _____/ REPORT AND RECOMMENDATION Plaintiff, a jail detainee proceeding pro se, sought to initiate a case by submitting a civil rights complaint, ECF No. 1, pursuant to 42 U.S.C. § 1983.

Because Plaintiff did not pay the filing fee or file an in forma pauperis motion at the time of case initiation as required by 28 U.S.C. § 1914, 28 U.S.C. § 1915, and Local Rule 5.3, an Order was entered as a courtesy to Plaintiff, ECF No. 3, giving him until December 22, 2025, to correct that deficiency. Plaintiff was advised that if he did not pay the \$405 filing fee or submit an in forma pauperis status motion, a recommendation would be made to dismiss this case.

ECF No. 3. Page 2 of 3 As of this date, Plaintiff has not complied, nor has he filed a motion requesting an extension of time to do so. It appears that Plaintiff has abandoned this litigation. "A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte" when a Plaintiff "fails to prosecute or" otherwise comply with a court order.

See Ciosek v. Ashley, No. 3:13cv147-RV-CJK, 2015 WL 2137521, at *2 (N.D. Fla. May 7, 2015). The Court has inherent power "to dismiss sua sponte for lack of prosecution" as courts must necessarily have authority "to manage their own affairs...." Link v. Wabash R.R. Co., 370 U.S. 626, 630, 82 S. Ct. 1386, 1389, 8 L. Ed. 2d 734 (1962) (quoted in Betty K Agencies, Ltd. v. M/V MONADA, 432 F.3d 1333, 1337 (11th Cir.

2005)); see also N.D. Fla. Loc. R. 41.1. Furthermore, the Eleventh Circuit Court of Appeals has noted that "[w]hile dismissal is an extraordinary remedy, dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion." Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989). It is within this Court's discretion and "inherent authority" to dismiss a case for failing to comply with a court Order.

Smith v. Bruster, 424 F. App'x 912, 915 (11th Cir. 2011). Here Plaintiff was forewarned and did not respond to Case No. 4:25cv479-AW-MAF Page 3 of 3 a clear and direct Court Order. ECF No. 3. Because Plaintiff has failed to prosecute this case, dismissal is appropriate.

RECOMMENDATION It is respectfully RECOMMENDED that this case be DISMISSED for failure to prosecute and failure to comply with a Court Order.

IN CHAMBERS at Tallahassee, Florida, on January 8, 2026. S/ Martin A. Fitzpatrick MARTIN A. FITZPATRICK UNITED STATES MAGISTRATE JUDGE NOTICE TO THE PARTIES Within fourteen (14) days after being served with a copy of this Report and Recommendation, a party may serve and file specific written objections to these proposed findings and recommendations. Fed. R. Civ.

P. 72(b)(2). Any different deadline that may appear on the electronic docket is for the Court's internal use only and does not control. If a party fails to object to the Magistrate Judge's findings or recommendations as to any particular claim or issue contained in this Report and Recommendation, that party waives the right to challenge on appeal the District Court's order based on the unobjected-to factual and legal conclusions.

See 11th Cir. Rule 3-1; 28 U.S.C. § 636. Case No. 4:25cv479-AW-MAF