

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

**Nelson Boatyard, Inc. v. Vessel Michele’s 4 Aces a/k/a “Battlegwagon”,
IMO No. 647002, her engines, apparel, furniture, equipment,
appurtenances, tackle, etc., in rem, and Roger Latham, in personam**

Nelson Boatyard · No. Civil Action No. 24-00326-KD-MU · Decided June 12, 2026

SUMMARY

The United States District Court for the Southern District of Alabama dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) and applicable local rules. The dismissal was based on the plaintiff's failure to file proof of service on Roger Latham, move for arrest of the vessel, prosecute the action, or show good cause for noncompliance with the court's orders.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	Kristi K. DuBose
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	June 12, 2026
DOCKET	Civil Action No. 24-00326-KD-MU
DISPOSITION	dismissed
PROCEDURAL POSTURE	On sua sponte review, the district court considered whether to dismiss the action for failure to prosecute and failure to comply with court orders.
STANDARD OF REVIEW	The court conducted sua sponte docket review and exercised its authority under Federal Rule of Civil Procedure 41(b) and the court's inherent authority to enforce its orders and ensure prompt disposition of lawsuits.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- service of process
- vessel arrest
- admiralty
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to prosecute.
2. Whether the action should be dismissed without prejudice for failure to comply with the court's orders.

HOLDINGS

1. An action may be dismissed without prejudice when the plaintiff fails to prosecute, fails to comply with court orders, and does not show good cause after receiving notice of the proposed dismissal.

KEY QUOTATIONS

“the court’s power to dismiss is an inherent aspect of its authority to enforce its orders and insure prompt disposition of lawsuits.” (766 F.2d at 1535)

FACTUAL BACKGROUND

Nelson Boatyard, Inc. failed to file proof of service on Defendant Roger Latham as previously ordered. It also failed to move for arrest of the vessel Michele’s 4 Aces a/k/a Battlewagon, in rem, and did not show good cause for these failures after receiving notice of the proposed dismissal.

PROCEDURAL HISTORY

The court had previously ordered Plaintiff Nelson Boatyard, Inc. to file proof of service on Roger Latham and to move for arrest of the vessel. After providing notice that it intended to dismiss the action without prejudice unless Plaintiff showed good cause by May 18, 2026, the court found that Plaintiff had neither filed proof of service nor shown good cause. The court dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION NELSON BOATYARD, INC.,)) Plaintiff,)) vs.) Civil Action No. 24-00326-KD-MU) VESSEL MICHELE’S 4 ACES a/k/a) Rule 9(h) Fed. R. Civ. P. “BATTLEWAGON”, IMO NO. 647002,) her engines, apparel, furniture, equipment,) appurtenances, tackle, etc., in rem, and) ROGER LATHAM, in personam,)) Defendants.) ORDER Upon sua sponte review of the docket, the Court found Plaintiff Nelson Boatyard, Inc.

had not filed proof of service on Defendant Roger Latham as previously ordered and had not moved for arrest of the Vessel Michele's 4 Aces a/k/a Battlewagon, in rem (docs.

20, 21). The Court gave Nelson Boatyard notice of its intent to dismiss this action without prejudice, unless on or before May 18, 2026, Nelson Boatyard showed good cause for its failure to prosecute and failure to comply with the Court's Order (Id.)

To date, Nelson Boatyard has not filed proof of service or made a showing of good cause as to why it failed to prosecute this action. Accordingly, this action is dismissed without prejudice for failure to prosecute and failure to comply with the Court's Orders. See Fed. R. Civ. P. 41(b); S.D. Ala. Civ. L.R. 41(a); S.D. Ala. Civ. L.R. 41(c); Goforth v. Owens, 766 F. 2d 1533, 1535 (11th Cir.

1985) ("the court's power to dismiss is an inherent aspect of its authority to enforce its orders and insure prompt disposition of lawsuits."). DONE and ORDERED this 12th day of June 2026. s / Kristi K. DuBose KRISTI K. DuBOSE UNITED STATES DISTRICT JUDGE