

**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.

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. "BATTEWAGON", 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 Battlegwagon, 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

