

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ALABAMA

Francis Callier, et al. v. Outokumpu Stainless USA, LLC

Callier · No. 1:21-00521-JB-N · Decided January 20, 2026

SUMMARY

The court recommends dismissing opt-in Plaintiff Chad Clonts without prejudice under Federal Rule of Civil Procedure 41(b) and the court’s inherent authority. The recommendation is based on Clonts’s failure to respond after his counsel withdrew and the court ordered him to indicate whether he would proceed pro se or obtain new counsel.

CASE DETAILS

COURT	United States District Court for the Southern District of Alabama
WRITING FOR THE COURT	Katherine P. Nelson
JURISDICTION	United States District Court for the Southern District of Alabama
DECIDED	January 20, 2026
DOCKET	1:21-00521-JB-N
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation issued sua sponte recommending dismissal of opt-in Plaintiff Chad Clonts from the collective action without prejudice under Federal Rule of Civil Procedure 41(b) and the court's inherent authority.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- default
- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- employment law
- Fair Labor Standards Act

QUESTIONS PRESENTED

- Whether an opt-in plaintiff who failed to respond to an order concerning representation and thereby abandoned participation in the action should be dismissed without prejudice under Federal Rule of Civil

Procedure 41(b) and the court's inherent authority.

HOLDINGS

1. A district court may sua sponte dismiss a plaintiff under Federal Rule of Civil Procedure 41(b) and its inherent authority when the plaintiff fails to prosecute the action or comply with a court order; based on Clonts's failure to respond to the order regarding representation, dismissal from the action without prejudice was recommended.

KEY QUOTATIONS

“An action may be dismissed if a plaintiff fails to prosecute it or if he fails to comply with any court order.”

“Accordingly, the undersigned RECOMMENDS that opt-in Plaintiff Chad Clonts be dismissed from this action without prejudice.”

FACTUAL BACKGROUND

Counsel for opt-in Plaintiff Chad Clonts reported that Clonts had become unresponsive to telephone, email, and mail communications. After the court permitted counsel to withdraw, it ordered Clonts to state whether he would proceed pro se or obtain substitute counsel by January 2, 2026. Clonts did not respond, no substitute counsel appeared, and no mail was returned as undeliverable.

PROCEDURAL HISTORY

Plaintiffs' counsel moved to withdraw from representing opt-in Plaintiff Chad Clonts because he had become unresponsive. The court granted withdrawal and ordered Clonts to notify the court by January 2, 2026, whether he would proceed pro se or obtain new counsel. Clonts made no filing, no new counsel appeared, and no mail was returned as undeliverable. The magistrate judge therefore recommended dismissal without prejudice, subject to the parties' right to file objections within fourteen days.

DISPOSITION

other

CASES CITED

- Link v. Wabash Railroad Co., 370 U.S. 626, 630-631 (1962)
- Zocaras v. Castro, 465 F.3d 479, 483 (11th Cir. 2006), cert. denied, 549 U.S. 1228 (2007)
- Wilson v. Sargent, 313 F.3d 1315, 1331-32 & n.7 (11th Cir. 2002)
- World Thrust Films, Inc. v. International Family Entertainment, Inc., 41 F.3d 1454, 1456 (11th Cir. 1995)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION FRANCIS CALLIER,) et al.) Plaintiffs,)) v.) CIVIL ACTION NO. 1:21-00521-JB-N) OUTOKUMPU STAINLESS USA,) LLC,) Defendant.)

REPORT AND RECOMMENDATION This action is before the Court sua sponte for a recommendation that opt-in Plaintiff Chad Clonts be dismissed pursuant to Rule 41(b) and the Court's inherent authority.

On December 9, 2025, counsel for Plaintiffs moved to withdraw from representation of Clonts (Doc. 268). Counsel noted that Clonts had become "un- responsive to efforts to communicate with him via telephone, email, and mail...." (Id., PageID.5164). Counsel's motion was referred to the undersigned, who granted the request on December 12, 2025 (Doc. 270).

The Court's order directed Clonts to file a notice indicating whether he would proceed pro se or have counsel file an appearance on or before January 2, 2026. (Id., PageID.5168). To date, Clonts has made no filing, no additional counsel has appeared, and no mailing has been returned as undeliverable. An action may be dismissed if a plaintiff fails to prosecute it or if he fails to comply with any court order.

Fed. R. Civ. P. 41(b); see also *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-631 (1962) (holding district courts have the power to sua sponte dismiss a cause of action for failure to prosecute); *Zocaras v. Castro*, 465 F.3d 479, 483 (11th Cir. 2006) (recognizing a district court's inherent power to enforce orders and provide for the efficient disposition of litigation), cert. denied, 549 U.S. 1228 (2007); *Wilson v. Sargent*, 313 F.3d 1315, 1331-32 & n.7 (11th Cir.

2002) (holding that a prisoner's failure to pay the partial filing fee under § 1915 is a basis for dismissal); *World Thrust Films, Inc. v. International Family Entertainment, Inc.*, 41 F.3d 1454, 1456 (11th Cir. 1995) ("A district court has authority under Federal Rule[] of Civil Procedure 41(b) to dismiss actions for failure to comply with local rules.") (internal quotes omitted).

Clonts was cautioned that a failure to respond would be deemed an abandonment of this action and would result in a recommendation of dismissal. Accordingly, the undersigned RECOMMENDS that opt-in Plaintiff Chad Clonts be dismissed from this action without prejudice. Notice of Right to File Objections A copy of this report and recommendation shall be served on all parties in the manner provided by law.

Any party who objects to this recommendation or anything in it must, within fourteen (14) days of the date of service of this document, file specific written objections with the Clerk of this Court. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); S.D. Ala. L.R. 72.4.

In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the Magistrate Judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the Magistrate Judge is not specific.

DONE this the 20th day of January, 2026. /s/ Katherine P. Nelson KATHERINE P. NELSON
UNITED STATES MAGISTRATE JUDGE

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