

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

Isaiah Hunter-Bey v. Allen Miller, et al.

Case No. 1:25-CV-1441 · No. 1:25-CV-1441 · Decided April 23, 2026

SUMMARY

This Report and Recommendation addresses a pro se plaintiff’s federal and state claims against a landlord and property manager. The magistrate judge recommends dismissal with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with orders requiring attendance at a case-management conference and show-cause hearing. The recommendation relies on the Sixth Circuit’s factors governing dismissal for failure to prosecute, including willfulness, prejudice, warnings, and consideration of lesser sanctions.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Jennifer Dowdell Armstrong, United States Magistrate Judge
JURISDICTION	United States District Court for the Northern District of Ohio, Eastern Division
DECIDED	April 23, 2026
DOCKET	1:25-CV-1441
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on sua sponte dismissal of a pro se plaintiff's action for failure to prosecute and failure to comply with court orders. The magistrate judge recommended dismissal with prejudice and denial of all pending motions as moot.
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to comply with court orders is reviewed for abuse of discretion. A Rule 41(b) dismissal is evaluated under the Sixth Circuit's four-factor test addressing willfulness, bad faith, or fault; prejudice to the opposing party; prior warnings; and consideration of less drastic sanctions. Objections to a magistrate judge's report and recommendation are subject to de novo review of the specifically objected-to portions under Federal Rule of Civil Procedure 72(b).

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Isaiah Hunter-Bey v. Allen Miller, Community Property Solvers LLC

TOPICS

sanctions civil procedure ada / disability reasonable accommodation landlord tenant

PRACTICE AREAS

civil procedure civil rights landlord-tenant disability accommodation

QUESTIONS PRESENTED

1. Whether the action should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with court orders.
2. Whether dismissal is appropriate under Federal Rule of Civil Procedure 16(f)(1)(C) because the plaintiff failed to obey pretrial orders requiring attendance at a case-management conference and show-cause hearing.
3. Whether the court's consideration of remote proceedings, scheduling accommodations, waiver of the Rule 26(f) meet-and-confer requirement, and case-by-case accommodation requests satisfied the obligation to consider less severe sanctions before recommending dismissal.

HOLDINGS

1. A district court may sua sponte dismiss an action with prejudice under Rule 41(b) when the plaintiff willfully or contumaciously fails to prosecute the action or comply with court orders, and dismissal is supported here by the plaintiff's repeated failures to attend required proceedings after multiple warnings.
2. Dismissal with prejudice is an appropriate sanction under Rule 16(f)(1)(C) when a plaintiff fails to obey orders requiring attendance at pretrial proceedings after receiving extensions, accommodations, and clear notice of the obligation.

KEY QUOTATIONS

“failure to attend the CMC “may result in dismissal of the lawsuit . . . or other appropriate sanctions.””
(PageID# 703)

“failure to appear . . . may result in the recommendation of immediate sanctions, including dismissal of his claims with prejudice” (PageID# 815)

“It is well settled that a district court has the authority to dismiss sua sponte a lawsuit for failure to prosecute.” (III. Law and Analysis)

“Contumacious conduct refers to behavior that is perverse in resisting authority and stubbornly disobedient.”
(III. Law and Analysis)

FACTUAL BACKGROUND

Hunter-Bey sued his landlord and property manager over alleged housing, disability, constitutional, statutory, and tort violations. He requested a Rule 26(f) conference and case-management schedule, but later asserted that he could participate only through written communications because live speech and real-time interaction allegedly caused severe health effects. The court denied a written-only format, provided several accommodations including remote proceedings and scheduling on a Friday, and repeatedly ordered him to attend a case-management conference and show-cause hearing. He failed to appear at both hearings and maintained that he would not participate in live proceedings.

PROCEDURAL HISTORY

Hunter-Bey filed the action pro se in July 2025, asserting claims under the Fair Housing Act, the Americans with Disabilities Act, Ohio law, and other theories, and seeking damages and injunctive relief. After requesting a case-management conference and receiving a continuance, he repeatedly refused to participate in live proceedings and failed to appear at a remotely conducted case-management conference and a later show-cause hearing, despite multiple warnings that dismissal could result. The magistrate judge recommended dismissal with prejudice under Federal Rules of Civil Procedure 41(b) and 16(f)(1)(C).

DISPOSITION

other

REMAND INSTRUCTIONS

None. The magistrate judge recommended that the district court dismiss the action with prejudice, deny all pending motions as moot, and close the case if the recommendation is accepted.

CASES CITED

- Carpenter v. City of Flint, 723 F.3d 700, 704–05 (6th Cir. 2013)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629–31 (1962)
- Little v. Yeutter, 984 F.2d 160, 162 (6th Cir. 1993)
- Palasty v. Hawk, 15 F. App'x 197, 199 (6th Cir. 2001)
- Rogers v. City of Warren, 302 F. App'x 371, 376 (6th Cir. 2008)
- Knoll v. American Telephone & Telegraph Co., 176 F.3d 359, 363 (6th Cir. 1999)
- Jackson v. Sterilite Corp., Nos. 5:13CV861, 5:13CV862, 2014 WL 5307911, at *2 (N.D. Ohio Oct. 16, 2014)
- Wright v. Coca-Cola Bottling Co., 41 F. App'x 795, 795 (6th Cir. 2002)
- Wu v. T.W. Wang, Inc., 420 F.3d 641, 643 (6th Cir. 2005)
- Jackson v. Coronado, No. 21-1007, 2021 WL 6335259, at *2–3 (6th Cir. Nov. 22, 2021)
- Allen v. Stark State College, Nos. 5:18cv464, 5:17cv2706, 5:18cv1545, 2019 WL 4918671, at *6 (N.D. Ohio Oct. 4, 2019)
- Thompson v. Mossyssippi, LLC, No. 1:23-cv-33-TBM-RPM, 2023 WL 5673955, at *2 (S.D. Miss. Sept. 1, 2023)

- *Rivera v. Commissioner of Social Security*, No. 4:16CV2316, 2017 WL 1683660, at *2 (N.D. Ohio Apr. 11, 2017)
- *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991)
- *Zang v. Zang*, Nos. 1:11cv884, 1:12cv629, 2013 WL 4777092, at *2 (S.D. Ohio Sept. 5, 2013)
- *Roman v. Jefferson at Hollywood LP*, 495 F. App'x 804, 806 (9th Cir. 2012)
- *Anders v. South Carolina*, No. 2:24-cv-6311, 2025 WL 1169191, at *5 (D.S.C. Mar. 31, 2025)
- *Bowles v. City of Cleveland*, 129 F. App'x 239, 2005 WL 953853 (6th Cir. 2005)
- *Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019)
- *Howard v. Secretary of Health and Human Services*, 932 F.2d 505, 509 (6th Cir. 1991)
- *Overholt v. Green*, No. 1:17-CV-00186, 2018 WL 3018175, at *2 (W.D. Ky. June 15, 2018)
- *United States v. Wandahsega*, 924 F.3d 868, 878–79 (6th Cir. 2019)