

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, DALLAS DIVISION

Marco Angele Hendrickson v. USA

Civil Case No. 3:25-CV-3363-E-BK (N.D. Tex. Feb. 9, 2026) · No. 3:25-CV-3363-E-BK · Decided February 9, 2026

SUMMARY

The United States magistrate judge recommends dismissing Marco Angele Hendrickson’s civil action against the United States without prejudice. The recommendation is based on Hendrickson’s failure to comply with an order requiring payment of the filing fee or submission of an in forma pauperis motion, and for want of prosecution under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Dallas Division
WRITING FOR THE COURT	E. Harris Toliver
JURISDICTION	United States District Court for the Northern District of Texas, Dallas Division
DECIDED	February 9, 2026
DOCKET	3:25-CV-3363-E-BK
DISPOSITION	other
PROCEDURAL POSTURE	A pro se civil action was referred to a United States magistrate judge for case management and a recommended disposition. The magistrate judge recommended dismissal without prejudice for failure to comply with a court order and for failure to prosecute.
PRECEDENTIAL VALUE	unpublished
PARTIES	Marco Angele Hendrickson v. USA

TOPICS

- civil procedure
- default
- sanctions

PRACTICE AREAS

- civil procedure
- prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order and failure to prosecute.

HOLDINGS

1. Under Federal Rule of Civil Procedure 41(b), a court may dismiss an action sua sponte for failure to prosecute or for failure to comply with the federal rules or a court order.

KEY QUOTATIONS

“This authority flows from the court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.”

FACTUAL BACKGROUND

Plaintiff initiated a pro se civil action but did not pay the \$405 filing fee or file a motion for leave to proceed in forma pauperis. After the court issued a deficiency order requiring one of those actions by January 6, 2026, Plaintiff failed to respond and did not seek an extension of time. The court concluded that Plaintiff had been given ample opportunity to comply.

PROCEDURAL HISTORY

The action was referred under 28 U.S.C. § 636(b) and Special Order 3. On December 8, 2025, the court issued a deficiency order directing Plaintiff either to pay the \$405 filing fee or to file a motion for leave to proceed in forma pauperis by January 6, 2026. Plaintiff did neither and did not request an extension. The magistrate judge recommended dismissal without prejudice, subject to the parties' right to object within 14 days.

DISPOSITION

other

CASES CITED

- Larson v. Scott, 157 F.3d 1030, 1031 (5th Cir. 1998)
- Boudwin v. Graystone Insurance Co., Ltd., 756 F.2d 399, 401 (5th Cir. 1985)
- Link v. Wabash Railroad Co., 370 U.S. 626 (1962)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1417 (5th Cir. 1996)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION MARCO ANGELE HENDRICKSON, § #10530-062, § PLAINTIFF, § § V.
§ CIVIL CASE NO. 3:25-CV-3363-E-BK § USA, § DEFENDANT. § FINDINGS,
CONCLUSIONS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE Pursuant to 28 U.S.C. § 636(b) and Special Order 3, this pro se civil action was referred to

the United States magistrate judge for case management, including the issuance of findings and a recommended disposition when appropriate.

Upon review, this action should be DISMISSED WITHOUT PREJUDICE for failure to comply with a court order and for want of prosecution. On December 8, 2025, the Court issued a deficiency order advising Plaintiff that if he seeks to proceed with this lawsuit, he must pay the \$405 filing fee or file a motion for leave to proceed in forma pauperis. Doc. 6. See also 28 U.S.C. § 1915(b).

The deadline for Plaintiff's response was January 6, 2026. However, Plaintiff has not complied with the Court's deficiency order, nor has he sought an extension of time to do so. Under Rule 41(b) of the Federal Rules of Civil Procedure, the court may dismiss an action sua sponte for failure to prosecute or for failure to comply with the federal rules or any court order.

Larson v. Scott, 157 F.3d 1030, 1031 (5th Cir. 1998). "This authority flows from the court's inherent power to control its docket and prevent undue delays in the disposition of pending cases." Boudwin v. Graystone Ins. Co., Ltd., 756 F.2d 399, 401 (Sth Cir. 1985) (citing Link v. Wabash R.R. Co., 370 U.S. 626 (1962)).

Here, Plaintiff has been given ample opportunity to respond to the Court's deficiency order. He has impliedly refused or declined to do so. Therefore, this action should be DISMISSED WITHOUT PREJUDICE for failure to comply with a court order and for lack of prosecution. See FED. R. Civ. P. 41(b) (an involuntary dismissal "operates as an adjudication on the merits," unless otherwise specified).

SO RECOMMENDED on February 9, 2026. E HARRIS TOLIVER UNNEDSTATES
MAGISTRATE JUDGE INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO
APPEAL/OBJECT A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy.

See 28 U.S.C. § 636(b)(1); FED. R. Civ. P. 72(b). An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge's report and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific.

Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. See Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 (Sth Cir. 1996), modified by statute on other grounds, 28 U.S.C. § 636(b)(1) (extending the time to object to 14 days).

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