

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, ALEXANDRIA DIVISION

Deshawn Wright v. K Goldey et al.

Wright · No. 1:25-CV-00690 · Decided December 16, 2025

SUMMARY

The magistrate judge recommends dismissing without prejudice a pro se prisoner's civil complaint alleging excessive force. The recommendation concludes that the plaintiff failed to comply with an order requiring amendment of the complaint to clarify exhaustion of administrative remedies under the Federal Tort Claims Act. Objections may be filed within 14 days of service.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Alexandria Division
WRITING FOR THE COURT	Joseph H.L. Perez-Montes
JURISDICTION	United States District Court for the Western District of Louisiana, Alexandria Division
DECIDED	December 16, 2025
DOCKET	1:25-CV-00690
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner brought a civil action seeking damages for alleged excessive force and failure to satisfy the Federal Tort Claims Act's administrative-exhaustion requirement. After the court ordered him to amend his complaint to clarify whether he had presented his tort claim to the Bureau of Prisons and received an agency denial, he failed to amend by the deadline. The magistrate judge issued a Report and Recommendation recommending dismissal without prejudice under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	A district court may dismiss an action under Federal Rule of Civil Procedure 41(b) for failure to prosecute or failure to comply with a court order, on motion of a defendant or on the court's own motion.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

civil procedure

motions to dismiss

prisoners rights

police misconduct

civil rights

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

Federal Tort Claims Act

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because Wright failed to comply with the order requiring him to amend the complaint.
2. Whether Wright adequately demonstrated satisfaction of the Federal Tort Claims Act's administrative presentment requirement under 28 U.S.C. § 2675(a).

HOLDINGS

1. The magistrate judge recommended that the complaint be dismissed without prejudice because Wright failed to comply with the court's order to amend and did not request additional time.
2. The complaint did not establish whether Wright had first presented his tort claim to the appropriate federal agency or whether the claim had been finally denied; the court therefore required amendment to clarify the issue.

KEY QUOTATIONS

“Because Wright failed to comply with the Court’s Order to Amend the Complaint, it should be DISMISSED WITHOUT PREJUDICE.”

“A district court may dismiss an action for a petitioner’s failure to prosecute or to comply with any order.”

FACTUAL BACKGROUND

Wright alleged that on April 21, 2025, officers placed him in a four-by-four-foot cage with his hands cuffed behind his back. After Wright threatened to report Lieutenant Dyer for retaliation, Dyer allegedly threatened to use pepper spray and beat him; Dyer and Officer Paulk then sprayed Wright with pepper spray after other officers gathered around the cage. Wright was removed, decontaminated, medically treated, and placed on suicide watch. He attached an administrative tort claim but did not state whether he mailed it to the Bureau of Prisons or received an agency denial.

PROCEDURAL HISTORY

Wright filed a civil complaint alleging that correctional officers used pepper spray against him while he was restrained in a cage. The court ordered him to amend because the complaint did not state whether his administrative tort claim had been properly presented to the Bureau of Prisons or denied. Wright failed to comply with the amendment order by October 14, 2025, and did not request an extension. The magistrate judge recommended dismissal without prejudice for failure to comply with the court's order.

DISPOSITION

CASES CITED

- 370 U.S. 626, 629-31 (1962)
- 730 F.2d 248, 251 (5th Cir. 1984)
- 617 F.2d 1164, 1167 (5th Cir. 1980)

OPINION

a UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA ALEXANDRIA DIVISION DESHAWN WRIGHT #84069-509, CIVIL DOCKET NO. 1:25-CV-00690 Plaintiff SEC P VERSUS JUDGE TERRY A. DOUGHTY K GOLDEY ET AL, MAGISTRATE JUDGE PEREZ-MONTES Defendants REPORT AND RECOMMENDATION Before the Court is a civil Complaint filed by pro se Plaintiff Deshawn Wright (“Wright”). ECF No. 1.

Wright is imprisoned at United States Penitentiary – Lee in Jonesville, Virginia (“USP-L”). He seeks damages for an alleged incident of excessive force. Because Wright failed to comply with the Court’s Order to Amend the Complaint, it should be DISMISSED WITHOUT PREJUDICE.

I. Background Wright alleges that on April 21, 2025, he was placed in a four foot by four foot cage with his hands cuffed behind his back. ECF No. 1 at 2. Wright told Lt. Dyer that he was going to “write him up for retaliation.” Lt. Dyer responded with a threat to use pepper spray and “beat” Wright. Wright asserts that Lt. Dyer summoned other officers, who gathered around the cage.

Officer Bolden stated on his radio that Wright was attempting to commit suicide. at 3. Lt. Dyer and Officer Paulk then sprayed Wright with pepper spray. Wright was removed from the cage, decontaminated, and received medical treatment before being placed on suicide watch. ECF No. 1-2 at 3. Wright attaches to his Complaint an administrative tort claim dated April 25, 2025, which he presumably filed with the Bureau of Prisons (“BOP”).

ECF No. 1-2. The Federal Tort Claims Act (“FTCA”) instructs that a tort claim cannot be entertained in federal court unless it is “first presented... to the appropriate Federal agency” and has “been finally denied by the agency in writing,” or six months have passed since the plaintiff made his administrative demand. 28 U.S.C. § 2675(a). Wright does not state whether he mailed the claim to the BOP or whether he received a denial from the agency.

Accordingly, he was ordered to amend the Complaint. ECF No. 14. II. Law and Analysis A district court may dismiss an action for a petitioner’s failure to prosecute or to comply with any order. Fed. R. Civ. P. 41(b).

The dismissal may occur upon the motion of a defendant or the Court's own motion. The authority to dismiss is provided to "achieve the orderly and expeditious disposition of cases"; to "prevent undue delays"; and to "avoid congestion in the calendars of the District Courts." 370 U.S. 626, 629-31 (1962);, 730 F.2d 248, 251 (5th Cir. 1984); 617 F.2d 1164, 1167 (5th Cir.

1980). Wright was ordered to amend the Complaint by October 14, 2025. To date, he has failed to comply with the Court's Order to amend, and he has not requested an extension of time within which to comply. Therefore, the Complaint should be dismissed under Rule 41. Ill. Conclusion Because Wright failed to comply with the Courts Order, IT IS RECOMMENDED that the Complaint (ECF No. 1) be DISMISSED WITHOUT PREJUDICE.

Under 28 U.S.C. § 636(b)(1)(c) and Fed. R. Civ. P. 72(b), a party may file written objections to this Report and Recommendation within 14 days of service, unless the Court grants an extension of time to file objections under Fed. R. Civ. P. 6(b). A party may also respond to another party's objections to this Report and Recommendation within 14 days of service of those objections, again unless the Court grants an extension of time to file a response to objections.

No other briefs may be filed without leave of court, which will only be granted for good cause. A party's failure to timely file written objections to this Report and Recommendation will bar a party from later challenging factual or legal conclusions adopted by the District Judge, except if the challenge asserts "plain error." SIGNED on Tuesday, December 16, 2025.

7. " JOSEPH H.L. PEREZ-MONTES UNITED STATES MAGISTRATE JUDGE