

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PRECEDENTIAL VALUE	nonprecedential

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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

other

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)

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