

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

TYLIER WARD v. OFFICER MILES and OFFICER ENSIGN

Ty lier Ward v. Officer Miles and Officer Ensign, No. 1:25-CV-189-TAV-MJD · No. No. 1:25-CV-189-TAV-MJD
· Decided May 1, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee dismisses a pro se prisoner’s 42 U.S.C. § 1983 action under Federal Rule of Civil Procedure 41(b). The dismissal is based on the plaintiff’s failure to return completed service packets, update his address, and comply with a prior court order. The court also certifies that any appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Thomas A. Varlan
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	May 1, 2026
DOCKET	No. 1:25-CV-189-TAV-MJD
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court sua sponte dismissed a pro se prisoner’s § 1983 complaint under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	The court applied the four-factor test for dismissal under Rule 41(b): willfulness, bad faith, or fault; prejudice to the opposing party; prior warning that noncompliance could lead to dismissal; and whether less drastic sanctions were imposed or considered.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion

TOPICS

- civil procedure
- service of process
- prisoners rights
- section 1983

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner litigation

QUESTIONS PRESENTED

1. Whether the court could sua sponte dismiss the action under Federal Rule of Civil Procedure 41(b) for failure to prosecute or failure to comply with a court order.
2. Whether the Rule 41(b) factors supported dismissal where Plaintiff failed to return service packets, failed to update his address, had been warned of possible dismissal, and did not appear intent on proceeding.

HOLDINGS

1. A district court may sua sponte dismiss an action under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute or fails to comply with the Federal Rules or a court order.
2. Dismissal under Rule 41(b) was warranted because Plaintiff's failure to comply was attributable to his fault, Defendants were not prejudiced, Plaintiff had been repeatedly warned that noncompliance could result in dismissal, and alternative sanctions were not warranted.

KEY QUOTATIONS

“Rule 41(b) gives this Court the authority to sua sponte dismiss a case when a “plaintiff fails to prosecute or to comply with these rules or a court order.””

“while pro se litigants may be entitled to some latitude when dealing with sophisticated legal issues, acknowledging their lack of formal training, there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend as easily as a lawyer.”

FACTUAL BACKGROUND

Plaintiff, a pro se prisoner, brought a complaint under 42 U.S.C. § 1983 against Officer Miles and Officer Ensign. The court ordered Plaintiff to return completed service packets within twenty days and warned that failure to do so would result in dismissal. Plaintiff did not comply, failed to update his address despite repeated notices, and mail containing the court's prior order was returned as undeliverable.

PROCEDURAL HISTORY

The court previously ordered Plaintiff to return completed service packets for the Defendants within twenty days and warned that failure to do so would result in dismissal. Plaintiff did not comply, and mail containing the prior order was returned as undeliverable because Plaintiff had apparently failed to update his address. The court dismissed the action under Rule 41(b).

DISPOSITION

dismissed

CASES CITED

- Rogers v. City of Warren, 302 F. App'x 371, 375 n.4 (6th Cir. 2008)
- Link v. Wabash R.R., 370 U.S. 626, 630 (1962)

- Wu v. T.W. Wang, Inc., 420 F.3d 641, 643 (6th Cir. 2005)
- Jourdan v. Jabe, 951 F.2d 108, 109 (6th Cir. 1991)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE TYLIER WARD,)) Plaintiff,)) v.) No. 1:25-CV-189-TAV-MJD) OFFICER MILES and OFFICER) ENSIGN,)) Defendants.) MEMORANDUM OPINION This is a prisoner's pro se complaint for violation of 42 U.S.C. § 1983.

On March 12, 2026, the Court entered an order which, in relevant part, ordered Plaintiff to return completed service packets for Defendants within 20 days and notified Plaintiff that if he failed to timely return the completed service packets, this action would be dismissed without further notice [Doc. 14, pp. 3–4]. But Plaintiff has not complied with that order, and his time for doing so has passed.

Also, the United States Postal Service returned the Court's mail to Plaintiff containing the Court's previous order as undeliverable [Doc. 15]. Accordingly, for the reasons set forth below, this action will be DISMISSED pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Rule 41(b) gives this Court the authority to sua sponte dismiss a case when a "plaintiff fails to prosecute or to comply with these rules or a court order." Fed.

R. Civ. P. 41(b); see also Rogers v. City of Warren, 302 F. App'x 371, 375 n.4 (6th Cir. 2008) ("Although Rule 41(b) does not expressly provide for a sua sponte dismissal (the rule actually provides for dismissal on defendant's motion), it is well-settled that the district court can enter a sua sponte order of dismissal under Rule 41(b)" (citing Link v. Wabash R.R., 370 U.S. 626, 630 (1962))).

The Court examines four factors when considering dismissal under this Rule: (1) whether the party's failure is due to willfulness, bad faith, or fault; (2) whether the adversary was prejudiced by the dismissed party's conduct; (3) whether the dismissed party was warned that failure to cooperate could lead to dismissal; and (4) whether less drastic sanctions were imposed or considered before dismissal was ordered.

Wu v. T.W. Wang, Inc., 420 F.3d 641, 643 (6th Cir. 2005). As to the first factor, Plaintiff's failure to timely comply with the Court's order is due to his willfulness or fault, as it appears that Plaintiff did not receive that order due to his failure to notify the Court of a change in his address, despite the Court previously, and repeatedly, notifying him of the requirement that he do so, and that dismissal could result from a failure to do so [Doc.

5, p. 1; Doc. 7, p. 4; Doc. 10, p. 5; Doc. 12, p. 2]. As to the second factor, Plaintiff's failure to comply with the Court's previous order has not prejudiced Defendants. As to the third factor, as noted above, the Court notified Plaintiff that failure to timely comply with its previous order

would result in dismissal of this action [Doc. 14, p. 4] and repeatedly notified Plaintiff that failure to timely update his address with the Court could result in dismissal of this case [Doc.

5, p. 1; Doc. 7, p. 4; Doc. 10, p. 5; Doc. 12, p. 2]. Finally, as to the fourth factor, alternative sanctions are not warranted, as Plaintiff was granted leave to proceed in forma pauperis in this action but failed to comply with the Court's clear instructions, and it does not appear that he intends to proceed with this case.

On balance, the Court finds that these factors support dismissal of this action under Rule 41(b). The Court also notes that, "while pro se litigants may be entitled to some latitude when dealing with sophisticated legal issues, acknowledging their lack of formal training, there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend as easily as a lawyer." *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir.

1991). Nothing about Plaintiff's pro se status prevented him from complying with the Court's previous order or updating the Court as to his current address, and his pro se status does not mitigate the balancing of factors under Rule 41(b).

Accordingly, this action will be DISMISSED for want of prosecution and failure to comply with a Court order pursuant to Rule 41(b). The Court CERTIFIES that any appeal from this action would not be taken in good faith and would be totally frivolous. Fed. R. App. P. 24. IT IS SO ORDERED. s/ Thomas A. Varlan UNITED STATES DISTRICT JUDGE