

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
GEORGIA, MACON DIVISION

James Adam Hawkins v. Georgia State Board of Pardons and  
Paroles, et al.

Hawkins · No. 5:25-cv-298-MTT-ALS · Decided January 26, 2026

SUMMARY

The United States District Court for the Middle District of Georgia dismissed James Adam Hawkins’s pro se § 1983 action without prejudice for failure to comply with orders requiring him to recast his complaint and address the filing fee or in forma pauperis status. The court relied on its authority under Federal Rule of Civil Procedure 41(b) to dismiss for failure to prosecute or obey court orders, noting that dismissal with prejudice could also be appropriate if the statute of limitations barred refiling.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Georgia, Macon Division                                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Marc T. Treadwell                                                                                                                                                                                                                                                                                                             |
| JURISDICTION          | United States District Court for the Middle District of Georgia, Macon Division                                                                                                                                                                                                                                               |
| DECIDED               | January 26, 2026                                                                                                                                                                                                                                                                                                              |
| DOCKET                | 5:25-cv-298-MTT-ALS                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | The district court sua sponte dismissed a pro se prisoner's 42 U.S.C. § 1983 action without prejudice after he failed to comply with orders requiring him to recast his complaint and either pay the filing fee or submit a proper motion to proceed in forma pauperis, despite repeated warnings and an order to show cause. |
| STANDARD OF REVIEW    | A district court may manage its docket and dismiss an action for failure to prosecute or failure to comply with court orders; dismissal without prejudice under Federal Rule of Civil Procedure 41(b) is generally appropriate where a plaintiff fails to comply, particularly after being warned.                            |
| PRECEDENTIAL VALUE    | Unpublished district court order; precedential status unknown                                                                                                                                                                                                                                                                 |
|                       |                                                                                                                                                                                                                                                                                                                               |

## PARTIES

James Adam Hawkins v. Georgia State Board of Pardons and Paroles,  
et al.

## TOPICS

civil procedure

section 1983

sanctions

## PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

## QUESTIONS PRESENTED

1. Whether the district court could dismiss the action under Federal Rule of Civil Procedure 41(b) for failure to comply with court orders and failure to prosecute.
2. Whether dismissal without prejudice was appropriate after repeated noncompliance and warnings, including where the statute of limitations might make the dismissal effectively operate as a dismissal with prejudice.

## HOLDINGS

1. A district court may dismiss an action under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute or fails to comply with the court's orders, and the repeated failure to comply with the court's orders in this case warranted dismissal.
2. Even assuming the dismissal without prejudice would effectively operate as a dismissal with prejudice because of the statute of limitations, dismissal remained appropriate because the record showed repeated delay or willful noncompliance and lesser sanctions were inadequate.

## KEY QUOTATIONS

*“Dismissal without prejudice is generally appropriate pursuant to Rule 41(b) where a plaintiff has failed to comply with a court order, “especially where the litigant has been forewarned.””*

*“This action is therefore DISMISSED without prejudice because Plaintiff failed to comply with the Court’s October 28, 2025 Order.”*

## FACTUAL BACKGROUND

James Adam Hawkins, a state prisoner proceeding pro se, filed a pleading seeking relief under 42 U.S.C. § 1983. He did not comply with repeated orders to recast his complaint and either pay the filing fee or file a complete motion to proceed in forma pauperis, even after the court warned that noncompliance could result in dismissal.

## PROCEDURAL HISTORY

Plaintiff filed a pro se pleading docketed as a § 1983 complaint. The court ordered him to recast the complaint and address the filing fee or submit a complete in forma pauperis motion, then issued a show-cause order after

he failed to respond. Plaintiff again failed to comply, and the court dismissed the action without prejudice for failure to comply with court orders.

#### DISPOSITION

dismissed

#### CASES CITED

- Equity Lifestyle Props., Inc. v. Fla. Mowing & Landscape Serv., Inc., 556 F.3d 1232, 1240-41 (11th Cir. 2009)
- Chambers v. NASCO, Inc., 501 U.S. 32, 43 (1991)
- Owens v. Pinellas Cnty. Sheriff's Dep't, 331 F. App'x 654, 656 (11th Cir. 2009)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Stephenson v. Doe, 554 F. App'x 835, 837 (11th Cir. 2014)
- Justice v. United States, 6 F.3d 1474, 1482 n.15 (11th Cir. 1993)
- Hickman v. Hickman, 563 F. App'x 742, 744 (11th Cir. 2014)
- Eades v. Ala. Dep't of Human Res., 298 F. App'x 862, 864 (11th Cir. 2008)

#### OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION JAMES ADAM HAWKINS,: Plaintiff,: v.: Case No. 5:25-cv-298-MTT-ALS  
GEORGIA STATE BOARD OF: PARDONS AND PAROLES, et al.,: Defendants.:  
\_\_\_\_\_: ORDER Pending before the Court is a pro se pleading  
filed by Plaintiff James Adam Hawkins, a prisoner in the Macon State Prison in Oglethorpe,  
Georgia, that has been docketed as a Complaint seeking relief pursuant to 42 U.S.C. § 1983 (ECF  
No. 1).

On October 28, 2025, the Court ordered Plaintiff to recast his Complaint on the appropriate form and either pay the appropriate filing fee or file a complete and proper motion for leave to proceed in forma pauperis. Plaintiff was given fourteen (14) days to comply, and he was warned that the failure to fully and timely comply with the Court's orders and instructions could result in the dismissal of this case.

See generally ECF No. 3. The time for compliance expired without a response from Plaintiff. As such, the Court ordered Plaintiff to respond and show cause why this case should not be dismissed for Plaintiff's failure to comply with the orders and instructions of the Court. Plaintiff was again given fourteen (14) days to respond, and he was also instructed to either pay the filing fee (or submit a proper and complete motion to proceed in forma pauperis) and recast his Complaint on the Court's standard form if he wished to proceed with this case.

He was also warned again that the failure to fully and timely comply with the Court's orders and instructions could result in the dismissal of this case. See generally ECF No. 4. The time for compliance has again expired without a response from Plaintiff. A district court has authority to manage its docket to expeditiously resolve cases, and this authority includes the power to dismiss a case for failure to prosecute or failure to comply with the court's orders.

*Equity Lifestyle Props., Inc. v. Fla. Mowing & Landscape Serv., Inc.*, 556 F.3d 1232, 1240-41 (11th Cir. 2009) (first citing *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991); and then citing *Fed. R. Civ. P. 41(b)*) (finding court did not err in dismissing the third amended complaint for failure to follow the court's instructions regarding how to amend the complaint).

Dismissal without prejudice is generally appropriate pursuant to Rule 41(b) where a plaintiff has failed to comply with a court order, "especially where the litigant has been forewarned." *Owens v. Pinellas Cnty. Sheriff's Dep't*, 331 F. App'x 654, 656 (11th Cir. 2009) (quoting *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989)) (upholding dismissal without prejudice of pro se prisoner's complaint for failure to follow court's instructions).

This action is therefore DISMISSED without prejudice because Plaintiff failed to comply with the Court's October 28, 2025 Order.<sup>1</sup> There is a chance that the applicable statute of limitations has run or is about to run on at least some of Plaintiff's claims. "[W]here a dismissal without prejudice has the effect of precluding the plaintiff from re-filing his claim due to the running of the statute of limitations, it is tantamount to a dismissal with prejudice." *Stephenson v. Doe*, 554 F. App'x 835, 837 (11th Cir.

2014) (citing *Justice v. United States*, 6 F.3d 1474, 1482 n.15 (11th Cir. 1993)). If this dismissal is effectively with prejudice, dismissal is nonetheless appropriate because "a clear record of delay or willful misconduct exists, and... lesser sanctions are inadequate to correct such conduct." *Stephenson*, 554 F. App'x at 837 (citations omitted).

The Court ordered plaintiff to comply with its orders and instructions on more than one occasion and specifically warned Plaintiff each time that failure to comply would result in dismissal of this action. Thus, SO ORDERED, this 26th day of January, 2026. S/ Marc T. Treadwell MARC T. TREADWELL, JUDGE UNITED STATES DISTRICT COURT even though this dismissal is intended to be without prejudice, dismissal with prejudice would also be appropriate.

See *Hickman v. Hickman*, 563 F. App'x 742, 744 (11th Cir. 2014) (upholding sua sponte dismissal with prejudice for failure to properly respond to the district court's order); *Eades v. Ala. Dep't of Human Res.*, 298 F. App'x 862, 864 (11th Cir. 2008) (same).