

**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.

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.¹ 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).