

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA, JACKSONVILLE DIVISION

Tobias Shinn, Jr. v. Colonel Lindsey, et al.

No. 3:25-cv-247-MMH-LLL, United States District Court for the Middle District of Florida, Jacksonville  
Division (February 10, 2026)

SUMMARY

The United States District Court for the Middle District of Florida dismissed Tobias Shinn, Jr.’s § 1983 action without prejudice for failure to prosecute and comply with court orders. The court found that Shinn failed to respond to the defendants’ motion to dismiss or to an order to show cause and directed the Clerk to enter judgment and close the case.

CASE DETAILS

|                       |                                                                                                                                                                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida,<br>Jacksonville Division                                                                                                                                            |
| WRITING FOR THE COURT | Marcia Morales Howard                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Middle District of Florida,<br>Jacksonville Division                                                                                                                                            |
| DECIDED               | February 10, 2026                                                                                                                                                                                                                    |
| DOCKET                | 3:25-cv-247-MMH-LLL                                                                                                                                                                                                                  |
| DISPOSITION           | dismissed                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Plaintiff's pro se civil-rights action was dismissed without prejudice sua sponte for failure to prosecute and failure to comply with court orders requiring a response to defendants' motion to dismiss and an order to show cause. |
| STANDARD OF REVIEW    | Abuse of discretion applies to a district court's dismissal of a pro se action under Federal Rule of Civil Procedure 41(b) for failure to comply with court rules or a court order.                                                  |
| PRECEDENTIAL VALUE    | unpublished district court order; nonprecedential                                                                                                                                                                                    |
| PARTIES               | Tobias Shinn, Jr. v. Colonel Lindsey, Assistant Warden Randall,<br>Assistant Warden Crews, Captain Best                                                                                                                              |

TOPICS

civil procedure

section 1983

prisoners rights

motions to dismiss

## PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

## QUESTIONS PRESENTED

1. Whether the court could dismiss the action under Federal Rule of Civil Procedure 41(b) for Shinn's failure to comply with court orders and failure to prosecute.
2. Whether dismissal without prejudice was warranted after Shinn failed to respond to the motion to dismiss and the order to show cause despite being warned of the potential consequences.

## HOLDINGS

1. A district court may sua sponte dismiss a pro se plaintiff's action under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to comply with court rules or a court order.
2. Dismissal without prejudice was warranted because Shinn failed to respond to defendants' motion to dismiss and the court's order to show cause, and did not request additional time.

## KEY QUOTATIONS

*“Under Rule 41(b) Federal Rules of Civil Procedure (Rule(s)), a district court has discretion to dismiss a pro se plaintiff’s action for her failure to comply with court rules or a court order.”*

*“Accordingly, this action is to be dismissed without prejudice for failure to prosecute and comply with the Court’s Orders.”*

## FACTUAL BACKGROUND

Shinn, an inmate in the Florida penal system, alleged that four FDOC employees failed to protect her from inmate attacks. The court directed her to file an amended complaint and later directed her to respond to defendants' motion to dismiss and show cause why the case should not be dismissed. Shinn filed neither a response nor a request for additional time.

## PROCEDURAL HISTORY

Shinn filed a pro se complaint under 42 U.S.C. § 1983 alleging that FDOC employees failed to protect her from inmate attacks. After the court identified pleading deficiencies, Shinn filed an amended complaint. Defendants moved to dismiss, but Shinn did not respond despite prior instructions and a subsequent show-cause order. The court dismissed the action without prejudice and directed the Clerk to enter judgment, terminate pending motions, and close the case.

## DISPOSITION

dismissed

## CASES CITED

- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Tannenbaum v. United States, 148 F.3d 1262, 1263 (11th Cir. 1998)
- Albra v. Advan, Inc., 490 F.3d 826, 829 (11th Cir. 2007)
- Hargrove v. Capela, 792 F. App'x 758, 759 (11th Cir. 2020)
- Powell v. Harris, 628 F. App'x 679, 680 (11th Cir. 2015) (per curiam)
- Duong Thanh Ho v. Costello, 757 F. App'x 912, 914-15 (11th Cir. 2018)
- McNamara v. Gov't Emps. Ins. Co., 30 F.4th 1055, 1060-61 (11th Cir. 2022)

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