

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, Jacksonville Division
WRITING FOR THE COURT	Marcia Morales Howard
JURISDICTION	United States District Court for the Middle District of Florida, 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PRECEDENTIAL VALUE	unpublished district court order; nonprecedential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, 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)

OPINION

Lindsey

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

JACKSONVILLE DIVISION

TOBIAS SHINN, JR.,

Plaintiff, v. Case No. 3:25-cv-247-MMH-LLL

COLONEL LINDSEY, ET. AL.,

Defendants. _____

ORDER

Plaintiff, Tobias Shinn, Jr., an inmate in the Florida penal system, initiated this action by filing a pro se Complaint for Violation of Civil Rights under 42 U.S.C. § 1983 (Doc. 1; Complaint). On April 11, 2025, the Court identified deficiencies in the Complaint and directed Shinn to file an amended complaint. She¹ now proceeds on an Amended Complaint (Doc. 8; Amended Complaint). In the Amended Complaint, Shinn names four Florida Department of Corrections (FDOC) employees as Defendants: (1) Colonel Lindsey; (2) Assistant Warden Randall; (3) Assistant Warden Crews; and (4) Captain Best. *Id.* at 2–3. Shinn alleges Defendants failed to protect her against inmate attacks. *Id.* at 3, 6, 8–9. ¹ Because Plaintiff identifies as female, the Court uses she/her pronouns. On October 20, 2025, Defendants filed a Motion to Dismiss the Amended Complaint (Doc. 14; Motion to Dismiss). Although the Court previously directed Shinn to respond to any motion to dismiss within 45 days, see Doc. 4 at 3; Doc. 9 at 3, she failed to file a response within that timeframe or request additional time to do so. On December 19, 2025, the Court entered an Order directing Shinn, by January 20, 2026, to (1) show cause why the case should not be dismissed for her failure to comply with the Court's Orders or otherwise prosecute the case; and (2) file a response to Defendants' Motion to Dismiss (Doc. 14). See Doc. 16 (citing Rule 3.10, Local Rules, United States District Court for the Middle District of Florida). The Court also advised Shinn that her failure to timely comply may result in the dismissal of this case without further notice. *Id.* at 2. To date, Shinn has not filed a response to the Motion to Dismiss or

the Court's Order.² 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. See *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) ("[D]ismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion."). While "[p]ro se pleadings are held to a less stringent standard 2 Shinn has made no filings since before Defendants' filing of the Motion to Dismiss. than pleadings drafted by attorneys and will, therefore, be liberally construed," *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998), pro se litigants still must conform to procedural rules. *Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007). As such, when a pro se plaintiff fails to comply with a court's order or rules, the court may sua sponte dismiss a case under Rule 41(b). See *Hargrove v. Capela*, 792 F. App'x 758, 759 (11th Cir. 2020) (affirming district court's dismissal of complaint where plaintiff failed to comply with a court order to submit an amended application to proceed in forma pauperis or to pay a filing fee); *Powell v. Harris*, 628 F. App'x 679, 680 (11th Cir. 2015)³ (per curiam) (holding the district court did not abuse its discretion dismissing the case without prejudice for the plaintiff's noncompliance with the court's instructions to file a proper complaint); *Duong Thanh Ho v. Costello*, 757 F. App'x 912, 914–15 (11th Cir. 2018) (affirming the district court's dismissal without prejudice for the pro se plaintiff's failure to comply with the court's order to amend). And Local Rule 3.10 also provides that "[a] plaintiff's failure to prosecute diligently can result in dismissal if the plaintiff in response to an order to show cause fails to demonstrate due diligence and just cause for delay." ³ The Court does not rely on unpublished opinions as binding precedent; however, they may be cited in this Order when the Court finds them persuasive on a particular point. See *McNamara v. Gov't Emps. Ins. Co.*, 30 F.4th 1055, 1060–61 (11th Cir. 2022); see generally Fed. R. App. P. 32.1; 11th Cir. R. 36-2 ("Unpublished opinions are not considered binding precedent, but they may be cited as persuasive authority."). Here, in prosecuting this action, Shinn was required to respond to Defendants' Motion to Dismiss. The Court informed Shinn of her obligation twice See Docs. 4, 16. As of the date of this Order, she has neither complied with the Court's Orders (Docs. 4, 16), nor requested more time to do so. Accordingly, this action is to be dismissed without prejudice for failure to prosecute and comply with the Court's Orders.⁴ Accordingly, it is now ORDERED and ADJUDGED:

1. This case is DISMISSED without prejudice for Shinn's lack of prosecution.
2. The Clerk shall enter judgment accordingly, terminate any pending motions, and close the case. DONE AND ORDERED in Jacksonville, Florida, on February 10, 2026.

MARCIA MORALES HOWARD

United States District Judge JaxP-12 Tobias Shinn, Jr., #127373 ⁴ The Court notes that the claims Shinn seeks to assert stem from actions taken between July 2024 and December 2024. As such, at

this time, the refiling of her claims would not be barred by the applicable statute of limitations. However, Shinn is cautioned that timely filing is her own responsibility.

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