

**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.

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 standard² 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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