

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION

Andrew James Swetland v. Collin County, Texas

Civil No. 4:25-CV-785-BD · No. Civil No. 4:25-CV-785-BD · Decided January 7, 2026

SUMMARY

The United States District Court for the Eastern District of Texas dismissed Andrew James Swetland’s pro se civil-rights action under 42 U.S.C. § 1983 for failure to prosecute. The court held that Swetland failed to comply with an order requiring him to file an amended complaint and dismissed the case without prejudice under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
WRITING FOR THE COURT	Bill Davis
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	January 7, 2026
DOCKET	Civil No. 4:25-CV-785-BD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff brought a civil-rights action under 42 U.S.C. § 1983. After the court ordered him to file an amended complaint on a standard § 1983 form, he failed to comply, and the court sua sponte dismissed the action without prejudice for failure to prosecute.
STANDARD OF REVIEW	Dismissal for failure to prosecute is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Unpublished memorandum opinion and order from a federal district court; no precedential status stated.
PARTIES	Andrew James Swetland v. Collin County, Texas

TOPICS

- civil procedure
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could sua sponte dismiss the § 1983 action without prejudice for Swetland's failure to comply with the court's order and failure to prosecute.

HOLDINGS

1. A district court may sua sponte dismiss an action for failure to prosecute or failure to comply with a court order, and Swetland's failure to file the ordered amended complaint warranted dismissal without prejudice.

FACTUAL BACKGROUND

Swetland filed a pro se civil-rights action under 42 U.S.C. § 1983. The court ordered him to file an amended complaint on the standard § 1983 form by December 29, 2025, but he failed to do so.

PROCEDURAL HISTORY

The action was assigned to the magistrate judge, and Swetland consented to the magistrate judge's conducting all proceedings. On December 2, 2025, the court ordered Swetland to file an amended complaint by December 29, 2025. He did not comply, so the court dismissed the case without prejudice for failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- Green v. Forney Eng'g Co., 589 F.2d 243, 247 (5th Cir. 1979)
- Lopez v. Aransas Cnty. ISD, 570 F.2d 541, 544 (5th Cir. 1978)
- Link v. Wabash R. Co., 370 U.S. 626, 629–31 (1962)
- Anthony v. Marion Cnty. Gen. Hosp., 617 F.2d 1164, 1167 (5th Cir. 1980)
- McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION ANDREW JAMES SWETLAND, § #02585014 § § v. § CIVIL NO. 4:25-CV-785-BD § COLLIN COUNTY, TEXAS § MEMORANDUM OPINION AND ORDER Pro se plaintiff Andrew James Swetland filed a civil-rights action under 42 U.S.C. § 1983.

The action was assigned to me, Dkt. 2, and Swetland consented to my conducting all proceedings. Dkt. 6. On December 2, 2025, the court ordered Swetland to file an amended complaint on the

standard § 1983 form no later than Monday, December 29, 2025. Dkt. 22. He failed to comply with that order and, as such, has failed to prosecute his case.

The exercise of the power to dismiss for failure to prosecute is committed to the sound discretion of the court; appellate review is only for abuse of that discretion. *Green v. Forney Eng'g Co.*, 589 F.2d 243, 247 (5th Cir. 1979); *Lopez v. Aransas Cnty. ISD*, 570 F.2d 541, 544 (5th Cir. 1978). Not only may a district court dismiss for want of prosecution upon motion of a defendant, but it may also dismiss an action sua sponte when necessary to achieve the orderly and expeditious disposition of a case.

Link v. Wabash R. Co., 370 U.S. 626, 629–31 (1962); *Anthony v. Marion Cnty. Gen. Hosp.*, 617 F.2d 1164, 1167 (5th Cir. 1980). A district court may dismiss an action for failure of a litigant to prosecute or to comply with any order of the court. *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988); Fed. R. Civ. P. 41(b).

In this case, Swetland has failed to comply with the court's order. Therefore, the case will be dismissed for failure to prosecute. Fed. R. Civ. P. 41(b). It is ORDERED that the case is dismissed without prejudice. So ORDERED and SIGNED this 7th day of January, 2026. Bill Davis United States Magistrate Judge