

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Arthur Tigner v. Lowndes County Jail, et al.

Tigner · No. 2:26-CV-115-WKW · Decided March 25, 2026

SUMMARY

The United States District Court for the Middle District of Alabama dismissed without prejudice a pro se pretrial detainee’s 42 U.S.C. § 1983 action against the Lowndes County Jail and other defendants. The dismissal was based on the plaintiff’s failure to file an amended complaint, pay the required fees, or submit a proper in forma pauperis application and certified prison account statement despite a prior court order and warning.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	W. Keith Watkins
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	March 25, 2026
DOCKET	2:26-CV-115-WKW
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court dismissed without prejudice a pro se pretrial detainee's 42 U.S.C. § 1983 action for failure to prosecute and failure to comply with a court order requiring an amended complaint and payment of filing fees or a proper in forma pauperis application.
STANDARD OF REVIEW	A district court may dismiss an action under its inherent authority for failure to prosecute or failure to comply with court orders; dismissal with prejudice requires a clear record of delay or willful contempt and a finding that lesser sanctions would not suffice, while dismissal without prejudice does not require willfulness or bad faith.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown.
PARTIES	Arthur Tigner v. Lowndes County Jail, et al.

TOPICS

civil procedure

sanctions

section 1983

prisoners rights

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Federal courts

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action without prejudice for Plaintiff's failure to prosecute and failure to comply with the court's order.
2. Whether dismissal without prejudice required a finding of willfulness or bad faith.

HOLDINGS

1. A district court may dismiss an action without prejudice under its inherent authority and Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute and disregards a court order after being warned of the consequences.
2. Dismissal without prejudice does not require a finding of willfulness or bad faith because its consequences are less severe than dismissal with prejudice.

KEY QUOTATIONS

"A dismissal without prejudice, by contrast, doesn't require a finding of willfulness or bad faith because its consequences are less severe." (1306)

"clear record of delay or willful contempt and a finding that lesser sanctions would not suffice." (102)

FACTUAL BACKGROUND

Arthur Tigner, a pretrial detainee at the Lowndes County Jail, filed a pro se 42 U.S.C. § 1983 complaint and an in forma pauperis affidavit. After transfer to the Middle District of Alabama, the court ordered him to file an amended complaint on the proper inmate form and either pay the filing and administrative fees or submit a proper in forma pauperis application with a certified prison account statement. Tigner did neither despite the court's express warning that noncompliance would result in dismissal.

PROCEDURAL HISTORY

Plaintiff initially filed the action in the United States District Court for the Northern District of Alabama and submitted an in forma pauperis affidavit. The action was transferred to the Middle District of Alabama on February 23, 2026. After the court ordered Plaintiff to file an amended complaint on the proper form and either pay the required fees or submit a proper in forma pauperis application with a certified prison account statement, Plaintiff failed to comply despite an express warning that noncompliance would result in dismissal.

DISPOSITION

dismissed

CASES CITED

- *McNair v. Johnson*, 143 F.4th 1301, 1306–07 (11th Cir. 2025)
- *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962)
- *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989)
- *Mingo v. Sugar Cane Growers Co-Op of Fla.*, 864 F.2d 101, 102 (11th Cir. 1989) (per curiam)
- *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION ARTHUR TIGNER,)) Plaintiff,)) v.) CASE NO. 2:26-CV-115-WKW
) [WO] LOWNDES COUNTY JAIL, et al.,)) Defendants.) ORDER Plaintiff Arthur Tigner, a
pretrial detainee at the Lowndes County Jail in Alabama, filed a pro se 42 U.S.C. § 1983
complaint in the United States District Court for the Northern District of Alabama.

(Doc. # 1.) He also filed an in forma pauperis affidavit. (Doc. # 5.) On February 23, 2026, this action was transferred to this court. (Docs. # 6, 7.) By Order dated February 25, 2026, Plaintiff was directed to (1) file an amended complaint using a proper pro se inmate complaint form used for filing 42 U.S.C. § 1983 actions and (2) either pay the filing and administrative fees or file a proper application for leave to proceed in forma pauperis along with a certified prison account statement reflecting the average monthly balance in and average monthly deposits to his prison account for the six-month period immediately preceding the filing of his complaint.

(Doc. # 8 (“February 25 Order”).) The February 25 Order expressly cautioned Plaintiff that his failure to comply would result in the dismissal of this action. (Doc. # 8 at 2–3.) To date, Plaintiff has not filed an amended complaint using the proper complaint form. He also has not paid the filing fees or submitted a proper application to proceed in forma pauperis accompanied by his prison account statement.

Consequently, this action will be dismissed without prejudice. A district court “may dismiss a case under its inherent authority, which it possesses as a means of managing its own docket so as to achieve the orderly and expeditious disposition of cases.” *McNair v. Johnson*, 143 F.4th 1301, 1306–07 (11th Cir. 2025) (cleaned up), petition for cert. filed, No. 25-808 (U.S.

Jan. 9, 2026). The authority of courts to impose sanctions for failure to comply with court orders and failure to prosecute is longstanding and acknowledged by Rule 41(b) of the Federal Rules of Civil Procedure. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962); see also *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (noting that “dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion”).

A court’s dismissal under its inherent authority “can be either with or without prejudice to refiling.” *McNair*, 143 F.4th at 1306. Dismissal with prejudice as a sanction “is warranted only

upon a ‘clear record of delay or willful contempt and a finding that lesser sanctions would not suffice.’” *Mingo v. Sugar Cane Growers Co- Op of Fla.*, 864 F.2d 101, 102 (11th Cir.

1989) (per curiam) (emphasis omitted) (quoting *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985)); accord *McNair*, 143 F.4th at 1306. “A dismissal without prejudice, by contrast, doesn’t require a finding of willfulness or bad faith because its consequences are less severe.” *McNair*, 143 F.4th at 1306.

In this instance, Plaintiff has failed to prosecute this action and has not complied with the February 25 Order, despite its express directives and warnings. Consequently, this action will be dismissed without prejudice. Based on the foregoing, it is ORDERED that this action is DISMISSED without prejudice. Final Judgment will be entered separately. DONE this 25th day of March, 2026.
/s/ W. Keith Watkins UNITED STATES DISTRICT JUDGE