

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)

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