

**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

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