

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA

Joe Moore v. Travis Arrindel, Hannah Cohen, Kevin McClanahan,
and Madalina Danescu

Moore · No. 1:26cv93-MW-MAF · Decided May 28, 2026

SUMMARY

The United States Magistrate Judge recommends dismissing Joe Moore’s pro se civil action for failure to prosecute and failure to comply with an order requiring an amended complaint. The recommendation explains that Plaintiff was warned of the consequences of noncompliance and had not filed an amended complaint or notice of voluntary dismissal.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida
WRITING FOR THE COURT	Martin A. Fitzpatrick
JURISDICTION	United States District Court for the Northern District of Florida
DECIDED	May 28, 2026
DOCKET	1:26cv93-MW-MAF
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation in a pro se civil action recommending dismissal for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	Abuse of discretion generally governs dismissal for failure to prosecute or failure to comply with a court order.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Joe Moore v. Travis Arrindel, Hannah Cohen, Kevin McClanahan, Madalina Danescu

TOPICS

- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed because Plaintiff failed to prosecute and failed to comply with the court's order requiring an amended complaint.

HOLDINGS

1. The magistrate judge recommended that the action be dismissed because Plaintiff failed to prosecute and failed to comply with the order directing him to file an amended complaint after being forewarned of the consequence.

KEY QUOTATIONS

“A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte” (2)

“While dismissal is an extraordinary remedy, dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.” (2)

FACTUAL BACKGROUND

Plaintiff initiated the action pro se and sought leave to proceed in forma pauperis. The court granted that motion but found the complaint deficient and ordered Plaintiff to file an amended complaint on the court's form by a specified deadline. Plaintiff was warned that noncompliance would result in a recommendation of dismissal, but he filed nothing further and did not file a notice of voluntary dismissal.

PROCEDURAL HISTORY

Plaintiff filed a complaint and a motion to proceed in forma pauperis. Although the motion was granted, the complaint was found deficient, and Plaintiff was ordered to file an amended complaint complying with the Local Rules and Federal Rule of Civil Procedure 8 by May 25, 2026. Plaintiff filed nothing further and did not voluntarily dismiss the action, prompting the magistrate judge to recommend dismissal.

DISPOSITION

other

CASES CITED

- Ciosek v. Ashley, No. 3:13cv147-RV-CJK, 2015 WL 2137521, at *2 (N.D. Fla. May 7, 2015)
- Moon v. Newsome, 863 F.2d 835, 837 (11th Cir. 1989)
- Smith v. Bruster, 424 F. App'x 912, 915 (11th Cir. 2011)

OPINION

MOORE

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

JOE MOORE,

Plaintiff, vs. Case No. 1:26cv93-MW-MAF

TRAVIS ARRINDEL,

HANNAH COHEN, and

KEVIN MCCLANAHAN,

and MADALINA DANESCU, Defendants. _____/

REPORT AND RECOMMENDATION

Plaintiff, proceeding pro se, initiated this case by submitting a complaint, ECF No. 1, and an in forma pauperis motion, ECF No. 2. The in forma pauperis motion was sufficient and was granted, but the complaint was not. An Order was entered, ECF No. 4, requiring Plaintiff to file an amended complaint in compliance with the Local Rules of this Court and Federal Rule of Civil Procedure 8. Plaintiff was provided additional guidance about the complaint's deficiencies and directed to file an Page 2 of 3 amended complaint on the Court's form by May 25, 2026.1 Id. Plaintiff was warned that if he failed to comply, a recommendation would be entered to dismiss this case. Id. As of this day, nothing further has been received from Plaintiff. He did not comply, nor did he file a notice of voluntary dismissal pursuant to Fed. R. Civ. P. 41(a). It appears that Plaintiff has abandoned this case. "A district court, as part of its inherent power to manage its own docket, may dismiss a case sua sponte" when a Plaintiff "fails to prosecute or" otherwise comply with a court order. See *Ciosek v. Ashley*, No. 3:13cv147-RV-CJK, 2015 WL 2137521, at *2 (N.D. Fla. May 7, 2015); see also N.D. Fla. Loc. R. 41.1. The Eleventh Circuit Court of Appeals has noted that "[w]hile dismissal is an extraordinary remedy, dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion." *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989). It is within this Court's discretion and "inherent authority" to dismiss a case for failing to comply with a court Order. *Smith v. Bruster*, 424 F. App'x 912, 915 (11th Cir. 2011). Here Plaintiff was 1 Because Plaintiff is not incarcerated, he does not have the benefit of the "prison mailbox rule" and additional time after a court imposed deadline. Case No. 1:26cv93-MW-MAF Page 3 of 3 forewarned and did not respond to a Court Order. Because Plaintiff has failed to prosecute this case, dismissal is appropriate.

RECOMMENDATION

It is respectfully RECOMMENDED that this case be DISMISSED for failure to prosecute and failure to comply with a Court Order. IN CHAMBERS at Tallahassee, Florida, on May 28, 2026.

S/ Martin A. Fitzpatrick

MARTIN A. FITZPATRICK

UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Within fourteen (14) days after being served with a copy of this Report and Recommendation, a party may serve and file specific written objections to these proposed findings and recommendations. Fed. R. Civ. P. 72(b)(2). A copy of the objections shall be served upon all other parties. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b)(2). Any different deadline that may appear on the electronic docket is for the Court's internal use only and does not control. If a party fails to object to the Magistrate Judge's findings or recommendations as to any particular claim or issue contained in this Report and Recommendation, that party waives the right to challenge on appeal the District Court's order based on the unobjected-to factual and legal conclusions. See 11th Cir. Rule 3-1; 28 U.S.C. § 636. Case No. 1:26cv93-MW-MAF