

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI

Abel J. Dedeaux v. Harrison County, MS, et al.

Civil Action No. 1:25CV319-LG-BWR (S.D. Miss. Mar. 12, 2026) · No. Civil Action No. 1:25CV319-LG-BWR
· Decided March 12, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi issued a third order to show cause concerning Plaintiff Abel J. Dedeaux’s repeated failure to appear at a screening hearing and comply with court orders. The court gave Plaintiff until March 23, 2026, to explain why the action should not be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to obey court orders.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi
WRITING FOR THE COURT	Louis Guirola, Jr.
JURISDICTION	United States District Court for the Southern District of Mississippi
DECIDED	March 12, 2026
DOCKET	Civil Action No. 1:25CV319-LG-BWR
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued a third sua sponte order to show cause why the action should not be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to obey court orders and failure to prosecute.
STANDARD OF REVIEW	A district court may dismiss sua sponte under Rule 41(b) for failure to prosecute or failure to comply with a court order; dismissal with prejudice generally requires a clear record of delay or contumacious conduct and a determination that lesser sanctions would not prompt diligent prosecution or that lesser sanctions have proved futile.
PRECEDENTIAL VALUE	Unknown; district court order to show cause

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

Civil procedure

Federal courts

Civil rights litigation

QUESTIONS PRESENTED

1. Whether the district court has authority under Federal Rule of Civil Procedure 41(b) to dismiss an action sua sponte for failure to prosecute or failure to comply with court orders.
2. Whether Plaintiff's repeated failure to appear and respond established a sufficient record of delay or contumacious conduct, and whether lesser sanctions would be futile, to support a potential dismissal with prejudice.

HOLDINGS

1. A federal district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) for failure to prosecute or failure to comply with a court order.
2. Dismissal with prejudice under Rule 41(b) is generally permitted when there is a clear record of delay or contumacious conduct and the district court determines that lesser sanctions would not prompt diligent prosecution or that previously employed lesser sanctions were futile.

KEY QUOTATIONS

"If Plaintiff fails to respond to this Order on or before March 10, 2026, that failure to respond will be deemed a purposeful delay and contumacious act, and the Court will presume Plaintiff no longer wishes to pursue this lawsuit." (at 2)

"This authority flows from the court's inherent power to control its docket and prevent undue delays in the disposition of pending cases."

"The Court will again direct Plaintiff to show cause why this case should not be dismissed for failure to obey a Court order and failure to prosecute."

FACTUAL BACKGROUND

Plaintiff Abel J. Dedeaux proceeded pro se after filing a complaint and an application to proceed in forma pauperis. He failed to appear at a court-ordered screening hearing and did not respond to two subsequent orders to show cause, despite repeated warnings that noncompliance could result in dismissal. The court stated that the record showed repeated delay and that the statute of limitations had run, making any dismissal with prejudice.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint and an application to proceed in forma pauperis on October 24, 2025. After Plaintiff failed to appear at a screening hearing and failed to respond to two successive orders to show cause, the court issued this third order giving him a final opportunity to explain his noncompliance before dismissal with prejudice.

DISPOSITION

other

CASES CITED

- McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988)
- Link v. Wabash R.R., 370 U.S. 626, 630-31 (1962)
- Boudwin v. Graystone Ins. Co., 756 F.2d 399, 401 (5th Cir. 1985)
- Berry v. CIGNA/RSI-CIGNA, 975 F.2d 1188, 1191 (5th Cir. 1992)

OPINION

Dedeaux

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ABEL J. DEDEAUX PLAINTIFF

v. CAUSE NO. 1:25CV319-LG-BWR

HARRISON COUNTY, MS, et al. DEFENDANTS

THIRD ORDER TO SHOW CAUSE WHY

THIS CASE SHOULD NOT BE DISMISSED

THIS MATTER IS BEFORE THE COURT sua sponte because of delay caused by Plaintiff's failure to comply with multiple Court Orders. The Court has determined that any dismissal of this case must be with prejudice because the statute of limitations has run. As a result, the Court will give Plaintiff one more opportunity to explain his failure to prosecute his lawsuit and comply with the Court's Orders.

BACKGROUND

Plaintiff Abel J. Dedeaux filed a pro se [1] Complaint and [2] Application for leave to proceed in forma pauperis on October 24, 2025. The Court entered an [3] Order scheduling a screening hearing on January 15, 2026. The Court explained that this hearing was necessary to determine whether Plaintiff's Application should be granted and if any portion of Plaintiff's Complaint should be dismissed under 28 U.S.C. § 1915(e)(2). The Court warned Plaintiff that failure to appear at the hearing may result in dismissal of this lawsuit without prejudice and without further notice. Plaintiff failed to appear at the screening hearing, so the Court entered an [4] Order to Show Cause that required Plaintiff to respond by February 6, 2026.

The Court cautioned Plaintiff once again that failure to respond to the Order could result in dismissal without prejudice of this lawsuit. After Plaintiff failed to respond to the Order to Show Cause, the Court entered a [5] Second Order to Show Cause, thus giving Plaintiff yet another opportunity to explain his failure to appear at the hearing and comply with Court Orders. The

Court cautioned, “If Plaintiff fails to respond to this Order on or before March 10, 2026, that failure to respond will be deemed a purposeful delay and contumacious act, and the Court will presume Plaintiff no longer wishes to pursue this lawsuit.” Order [5] at 2. Despite the Court’s repeated warnings, Plaintiff once again chose not to respond.

DISCUSSION

Federal Rule of Civil Procedure 41 confers upon a district court the authority to dismiss an action sua sponte for failure to prosecute or for failure to comply with a court order. *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988) (citing *Link v. Wabash R.R.*, 370 U.S. 626, 630–31 (1962)). “This authority flows from the court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co.*, 756 F.2d 399, 401 (5th Cir. 1985). The Court must be able to clear its calendar “of cases that have remained dormant because of the inaction or dilatoriness of the parties seeking relief . . . to achieve the orderly and expeditious disposition of cases.” See *Link*, 370 U.S. at 630–31. Generally, dismissals with prejudice under Rule 41(b) are permitted only when “(1) there is a clear record of delay or contumacious conduct by the plaintiff, and (2) the district court has expressly determined that lesser sanctions would not prompt diligent prosecution, or the record shows that the district court employed lesser sanctions that proved to be futile.” *Berry v. CIGNA/RSI-CIGNA*, 975 F.2d 1188, 1191 (5th Cir. 1992). The record suggests a clear record of delay or contumacious conduct by Plaintiff. Furthermore, Plaintiff’s repeated failure to respond to and comply with Court Orders leads to the determination that sanctions less than severe than dismissal with prejudice “would not prompt diligent prosecution.” See *id.* The Court will again direct Plaintiff to show cause why this case should not be dismissed for failure to obey a Court order and failure to prosecute. Plaintiff is therefore warned that this is his last opportunity to act in order to prevent dismissal with prejudice of this lawsuit. If Plaintiff fails to respond to this Order on or before March 23, 2026, that failure to respond will be deemed a purposeful delay and contumacious act, and the Court will dismiss this lawsuit with prejudice

CONCLUSION

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff must file a response to this Order on or before March 23, 2026, that explains why this case should not be dismissed under Federal Rule of Civil Procedure 41(b) due to his failure to obey the Court’s orders and his failure to prosecute. SO ORDERED AND ADJUDGED this the 12th day of March, 2026. _____
ÜÉÄt? JÜA s/ Louis Guirola, Jr. United States District Judge