

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

Taurus Lebron Green v. United States

Green · No. 2:22-CV-613-WKW · Decided December 8, 2025

SUMMARY

The United States District Court for the Middle District of Alabama dismissed Taurus Lebron Green’s motion under 28 U.S.C. § 2255 with prejudice. The court concluded that Green failed to respond to a show-cause order after his release from federal custody, establishing a clear record of delay and failure to prosecute. The court determined that lesser sanctions would be ineffective and that dismissal was warranted under the court’s inherent authority and Federal Rule of Civil Procedure 41(b).

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	December 8, 2025
DOCKET	2:22-CV-613-WKW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner moved pro se under 28 U.S.C. § 2255 to vacate or correct his sentence. After learning that Petitioner had been released from Bureau of Prisons custody, the court ordered him to confirm the relief sought and show cause why the motion should not be dismissed as moot. Petitioner failed to respond, and the court dismissed the motion with prejudice for failure to prosecute and failure to comply with the show-cause order.
STANDARD OF REVIEW	A district court's dismissal for failure to prosecute or failure to comply with court orders under its inherent authority is reviewed for abuse of discretion; dismissal with prejudice requires a clear record of delay or willful contempt and a finding that lesser sanctions would not suffice.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only.

PARTIES

Taurus Lebron Green v. United States of America

TOPICS

federal habeas corpus

post-conviction relief

sanctions

civil procedure

PRACTICE AREAS

federal post-conviction relief

federal habeas corpus

civil procedure

sanctions

QUESTIONS PRESENTED

1. Whether the court could dismiss Green's § 2255 motion for failure to prosecute and failure to comply with the show-cause order under its inherent authority and Federal Rule of Civil Procedure 41(b).
2. Whether dismissal with prejudice was warranted based on a clear record of delay and the ineffectiveness of lesser sanctions.

HOLDINGS

1. A district court may dismiss a § 2255 action under its inherent docket-management authority and Federal Rule of Civil Procedure 41(b) when the petitioner fails to prosecute and disregards a court order after being warned that noncompliance will result in dismissal.
2. Dismissal with prejudice was warranted because Green demonstrated a clear record of delay, and lesser sanctions would not secure his participation or advance the case.

KEY QUOTATIONS

“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.” (at 1)

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

“is warranted only upon a ‘clear record of delay or willful contempt and a finding that lesser sanctions would not suffice.’” (at 2)

“A district court must be able to exercise its managerial power to maintain control over its docket. This power is necessary for the court to administer effective justice and prevent congestion.” (at 3)

FACTUAL BACKGROUND

Green filed a pro se § 2255 motion while incarcerated at FCI Forrest City-Low. He was released from Bureau of Prisons custody on August 22, 2025, but did not notify the court, provide a forwarding address, or respond to the court's order requiring him to show cause why the motion should not be dismissed. The court found that his post-release inaction prevented the case from proceeding and established a clear record of delay.

PROCEDURAL HISTORY

Green filed a § 2255 motion in 2022 challenging his sentence. After his release from federal custody in August 2025, the court issued a show-cause order requiring a response by December 2, 2025. Green did not respond, and the court dismissed the action with prejudice, concluding that his sustained inaction constituted a clear record of delay and that lesser sanctions would be ineffective.

DISPOSITION

dismissed

CASES CITED

- United States v. Green, 2:20-CR-104-WKW-02
- 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)
- Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985)
- Justice v. United States, 6 F.3d 1474, 1482 n.15 (11th Cir. 1993) (per curiam)
- Abreu-Velez v. Bd. of Regents of Univ. Sys. of Ga., 248 F. App'x 116, 118 (11th Cir. 2007) (per curiam)
- Young v. City of Palm Bay, 358 F.3d 859, 864 (11th Cir. 2004)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION TAURUS LEBRON GREEN,)) Petitioner,)) v.) CASE NO. 2:22-CV-
613-WKW) [WO] UNITED STATES OF AMERICA,)) Respondent.) ORDER In 2022,
Petitioner Taurus Lebron Green filed a pro se motion under 28 U.S.C. § 2255, challenging his
sentence in United States v. Green, 2:20-CR-104-WKW-02.

(Doc. # 1.) The motion was reassigned to the undersigned on September 10, 2025. At the time of filing, Petitioner was incarcerated at FCI Forrest City-Low. (Doc. # 1 at 1; see also Doc. # 1-1 at 2, ¶ 3.) Recently, it was determined that Petitioner has not been in the custody of the Federal Bureau of Prisons (BOP) since August 22, 2025. (See Doc. # 17 at 2 & n.3.)

As a result, by Order dated November 13, 2025 (“Show-Cause Order”), Plaintiff was directed to file a response confirming his requested relief and showing cause as to why his § 2255 motion not be denied as moot and dismissed based on his release from BOP custody. (Doc. # 17 at 3.)

The Show-Cause Order set a December 2, 2025 deadline and warned that “Petitioner’s failure to file a response, as directed, will result in dismissal of the § 2255 motion for failure to prosecute and comply with [the Show-Cause] Order.” (Doc. # 17 at 3.) Petitioner, who is no longer incarcerated, did not timely file a response to the Show-Cause Order. Consequently, as

forewarned, Petitioner's § 2255 motion will be dismissed for failure to prosecute and comply with the Show- Cause Order.

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).

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.¹ *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 1 The Rules Governing Section 2255 Proceedings for the United States District Courts do not address dismissals with or without prejudice.

However, the Rules allow for the application of the Federal Rules of Civil Procedure when there is no conflict with statutory provisions or the Rules. Here, applying Rule 41(b) of the Federal Rules of Civil Procedure does not present any conflict. 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.

Here, the dismissal effectively prevents Petitioner from refiling due to the expiration of the one-year limitations period, 28 U.S.C. § 2255(f), making it "tantamount to a dismissal with prejudice." *Justice v. United States*, 6 F.3d 1474, 1482 n.15 (11th Cir. 1993) (per curiam). A dismissal with prejudice is warranted based on Petitioner's clear record of delay.

Since his release in August 2025, Petitioner has taken no steps to prosecute this case: He failed to notify the court of his release, did not provide a forwarding address, and did not respond to a direct order to indicate whether he intended to pursue his petition. This action cannot proceed without Petitioner's participation, and his sustained inaction confirms his lack of interest in prosecuting his petition and demonstrates a clear record of delay.

The court also has considered lesser sanctions and has reasonably concluded they would be ineffective and would unduly prejudice Respondent. See *Abreu-Velez v. Bd. of Regents of Univ.*

Sys. of Ga., 248 F. App'x 116, 118 (11th Cir. 2007) (per curiam). Imposing lesser measures would neither secure Petitioner's participation nor advance the case toward resolution, while continuing delay would increase the burden on Respondent and the court.

Petitioner's post-release conduct has impeded the progress of this litigation and undermined the effective administration of justice. See *Young v. City of Palm Bay*, 358 F.3d 859, 864 (11th Cir. 2004) ("A district court must be able to exercise its managerial power to maintain control over its docket. This power is necessary for the court to administer effective justice and prevent congestion." (citation omitted)).

Accordingly, dismissal with prejudice is the appropriate and necessary sanction. Based on the foregoing, it is ORDERED that Petitioner's 28 U.S.C. § 2255 motion (Doc. # 1) is DISMISSED with prejudice. Final Judgment will be entered separately. DONE this 8th day of December, 2025.
/s/ W. Keith Watkins UNITED STATES DISTRICT JUDGE