

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Wilfred Anderson v. State of Ohio

Anderson · No. 2:25-cv-1521 · Decided March 9, 2026

SUMMARY

This Report and Recommendation recommends dismissing Wilfred Anderson’s pro se civil action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to pay the filing fee or file a motion to proceed in forma pauperis. The recommendation relies on the plaintiff’s failure to comply with court notices and an order requiring him to cure the filing-fee deficiency.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Eastern Division
WRITING FOR THE COURT	Elizabeth A. Preston Deavers
JURISDICTION	United States District Court for the Southern District of Ohio, Eastern Division
DECIDED	March 9, 2026
DOCKET	2:25-cv-1521
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil action without paying the filing fee or filing a motion to proceed in forma pauperis. After failing to cure the deficiency despite notice and a court order, the magistrate judge issued a Report and Recommendation recommending dismissal without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to comply with a court order under Rule 41(b) is committed to the district court's discretion; prior notice is a key consideration.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Wilfred Anderson v. State of Ohio

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to pay the filing fee or seek leave to proceed in forma pauperis after notice and a court order.

HOLDINGS

1. The magistrate judge recommended that the action be dismissed without prejudice under Rule 41(b) because Plaintiff failed to comply with the filing-fee requirement and the Court's order despite receiving notice and an express warning of the consequence.

KEY QUOTATIONS

“Under the circumstances presented in the instant case, the Undersigned recommends dismissal of Plaintiff’s action without prejudice pursuant to Federal Rule of Civil Procedure 41(b).”

“a federal district court has the inherent power to dismiss a case sua sponte for failure to prosecute” (501 U.S. at 49)

“This measure is available to the district court as a tool to effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts [and] opposing parties.”

FACTUAL BACKGROUND

Wilfred Anderson filed the action pro se without submitting the required filing fee or a motion for leave to proceed in forma pauperis. After the Clerk notified him of the deficiency and the Court ordered him to cure it within 30 days, expressly warning that failure to comply could result in dismissal, Anderson did not cure the deficiency.

PROCEDURAL HISTORY

Plaintiff commenced the action on December 31, 2025, without paying the filing fee. The Clerk notified him of the deficiency, and the Court later ordered him to file a motion for leave to proceed in forma pauperis or pay the fee within 30 days, warning that noncompliance would result in a recommendation of dismissal. Plaintiff did not comply, so the magistrate judge recommended dismissal without prejudice, subject to objections and review by the district judge.

DISPOSITION

other

CASES CITED

- Chambers v. NASCO, Inc., 501 U.S. 32, 49 (1991)
- Link v. Wabash Railroad Co., 370 U.S. 626, 629-32 (1962)
- Knoll v. American Telephone & Telegraph Co., 176 F.3d 359, 363 (6th Cir. 1999)
- Stough v. Mayville Community Schools, 138 F.3d 612, 615 (6th Cir. 1998)
- Steward v. City of Jackson, 8 F. App'x 294, 296-97 (6th Cir. 2001)
- Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir. 1991)
- Robert v. Tesson, 507 F.3d 981, 994 (6th Cir. 2007)

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