

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PRECEDENTIAL VALUE	nonprecedential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

civil procedure

motions to dismiss

sanctions

PRACTICE AREAS

civil procedure

federal courts

pro se litigation

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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION WILFRED ANDERSON, Plaintiff, Civil Action 2:25-cv-1521 Judge
Algenon L. Marbley v. Magistrate Judge Elizabeth P. Deavers STATE OF OHIO, Defendant.
REPORT AND RECOMMENDATION Plaintiff, proceeding without the assistance of counsel,
commenced this action on December 31, 2025, but did not submit any payment to satisfy the
Court's filing fee.

(ECF No. 1.) On December 31, 2025, the Clerk's Office notified Plaintiff of this deficiency and
advised Plaintiff to correct the deficiency by filing a motion for leave to proceed in forma pauperis
or tendering the required filing fee. (ECF No. 2.) Plaintiff failed to comply.

On February 2, 2026, the Court ordered Plaintiff to cure this deficiency within 30 days and
expressly cautioned him that failure to comply "with this Order will result in a recommendation
that this action be dismissed for failure to prosecute." (ECF No. 5.)

To date, Plaintiff has failed to comply. 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).

The Court's inherent authority to dismiss a plaintiff's action because of their failure to prosecute is
expressly recognized in Rule 41(b), which authorizes involuntary dismissal for failure to prosecute
or to comply with rules of procedure or court orders. See Fed. R. Civ. P. 41(b); Chambers v.
NASCO, Inc., 501 U.S. 32, 49 (1991) (noting that "a federal district court has the inherent power
to dismiss a case sua sponte for failure to prosecute" as recognized in Link v. Wabash R. Co., 370
U.S. 626, 629-32 (1962)). "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." Knoll v. American Tel. & Tel.

Co., 176 F.3d 359, 363 (6th Cir. 1999) (citation omitted) (internal quotations omitted); Stough v.
Mayville Cmty. Schs., 138 F.3d 612, 615 (6th Cir. 1998) (noting that "[p]rior notice, or lack
thereof, is [] a key consideration" in whether dismissal under Rule 41(b) is appropriate); Steward

v. City of Jackson, 8 F. App'x 294, 296 (6th Cir. 2001). While the Court is mindful of Plaintiff's pro se status, dismissal is nevertheless appropriate given Plaintiff's failure to comply with the readily comprehended deadlines.

See Steward, 8 F. App'x at 296–297 (citing Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir. 1991)). It is therefore RECOMMENDED that the Court DISMISS this action WITHOUT PREJUDICE under Rule 41(b). PROCEDURE ON OBJECTIONS If any party seeks review by the District Judge of this Report and Recommendation, that party may, within 14 DAYS, file and serve on all parties any objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection.

28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within 14 DAYS after being served with a copy. Fed. R. Civ. P. 72(b). The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to de novo review of by the District Judge and waiver of the right to appeal the judgment of the District Court.

Even when timely objections are filed, appellate review of issues not raised in those objections is waived. Robert v. Tesson, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal....” (citation omitted)). IT IS SO ORDERED. Date: March 9, 2026 /s/ Elizabeth A. Preston Deavers ELIZABETH A. PRESTON DEAVERS UNITED STATES MAGISTRATE JUDGE