

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

Brian K. Roberts v. Angela Phams, et al.

Roberts · No. 5:25-cv-00476-MTT-CHW · Decided February 18, 2026

SUMMARY

The United States District Court for the Middle District of Georgia dismissed Brian Keith Roberts’s pro se prisoner civil action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with court orders and prosecute the case. The court denied the defendants’ motion to dismiss as moot.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Marc T. Treadwell
JURISDICTION	United States District Court for the Middle District of Georgia, Macon Division
DECIDED	February 18, 2026
DOCKET	5:25-cv-00476-MTT-CHW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff's action was removed from the Superior Court of Baldwin County, Georgia. After the federal court ordered Plaintiff to recast his deficient complaint and later ordered him to show cause for failing to do so, Plaintiff failed to respond. The court dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) and denied Defendants' motion to dismiss as moot.
STANDARD OF REVIEW	Abuse of discretion applies to a sua sponte dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute or failure to obey a court order.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Brian K. Roberts v. Angela Phams, et al.

TOPICS

civil procedure

pleadings

motions to dismiss

prisoners rights

section 1983

PRACTICE AREAS

civil procedure

prisoner civil rights

federal jurisdiction

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to comply with court orders and failed to prosecute the case.
2. Whether Defendants' motion to dismiss remained justiciable after dismissal of the action under Rule 41(b).

HOLDINGS

1. A district court may dismiss an action sua sponte and without prejudice under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to obey court orders or otherwise prosecute the case. Because Plaintiff ignored both the order to recast his complaint and the order to show cause, dismissal was warranted.
2. Defendants' motion to dismiss was denied as moot because the action had already been dismissed under Rule 41(b).

KEY QUOTATIONS

“Because Plaintiff has failed to comply with the Court’s orders or otherwise prosecute this case, his complaint is DISMISSED WITHOUT PREJUDICE.” (2)

“The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.” (2)

FACTUAL BACKGROUND

Plaintiff Brian Keith Roberts, a prisoner proceeding pro se, filed a civil complaint while housed at Riverbend Correctional Facility. After removal, the district court found the pleading deficient under its preliminary review and ordered him to recast it to comply with the Federal Rules of Civil Procedure and state a claim for relief. Although the court resent the order to Plaintiff's updated prison address and later issued an order to show cause, Plaintiff did not file an amended complaint or otherwise respond.

PROCEDURAL HISTORY

Roberts, proceeding pro se and while incarcerated, filed a complaint in the Superior Court of Baldwin County. After removal, the district court conducted a preliminary screening under 28 U.S.C. § 1915A and ordered him to file a recast complaint. The order was initially returned as undeliverable, but the court resent it to Plaintiff's new prison address. When Plaintiff still failed to respond, the court issued an order to show cause, to which he also did not respond. The court dismissed without prejudice for failure to comply with court orders and failure to prosecute, and denied Defendants' motion to dismiss as moot.

DISPOSITION

dismissed

CASES CITED

- Brown v. Tallahassee Police Dep't, 205 F. App'x 802, 802 (11th Cir. 2006)
- Lopez v. Aransas Cnty. Indep. Sch. Dist., 570 F.2d 541, 544 (5th Cir. 1978)
- Duong Thanh Ho v. Costello, 757 F. App'x 912 (11th Cir. 2018)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION BRIAN K. ROBERTS,; Plaintiff,;: Case No. 5:25-cv-00476-MTT-CHW v.:
ANGELA PHAMS, et al.,; Defendants.: ORDER Pro se Plaintiff Brian Keith Roberts, while a
prisoner at Riverbend Correctional Facility in Milledgeville, Georgia, filed a complaint in the
Superior Court of Baldwin County, Georgia.

ECF No. 1. Plaintiff's civil action was removed to this Court. See *id.* On November 19, 2025, a preliminary review of Plaintiff's complaint pursuant to 28 U.S.C. § 1915A revealed that his pleading was deficient and he was ordered to recast his complaint so that it complied with the Federal Rules of Civil Procedure and so that it stated a claim for which relief could be granted.

ECF No. 4. Plaintiff was given fourteen days to comply with the Court's order and was informed that failure to comply could result in dismissal of this action. *Id.* at 9-10. On December 12, 2025, the Court's order was returned to the Court as undeliverable. ECF No. 5.

Although not required to do so, the Court was able to determine that Plaintiff was no longer housed at Riverbend Correctional Facility but had been transferred to Wilcox State Prison in Abbeville, Georgia. See ECF No. 6 at 1.

On December 16, 2025, the Court mailed the order to recast (ECF No. 4) to Plaintiff at Wilcox State Prison. Plaintiff failed to respond. Therefore, on January 15, 2026, Plaintiff was ordered to show cause why this civil action should not be dismissed for failure to comply with an order of the Court. ECF No. 6.

The Court informed Plaintiff that this action could be dismissed if he failed to respond to the order to show cause or otherwise file his amended complaint as instructed. *Id.* Plaintiff was given fourteen (14) days to comply with the Court's order. *Id.* Plaintiff has again failed to respond.

Because Plaintiff has failed to comply with the Court's orders or otherwise prosecute this case, his complaint is **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); Brown v. Tallahassee Police Dep't, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an

action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.”) (citing Fed.

R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)); *Duong Thanh Ho v. Costello*, 757 F. App'x 912 (11th Cir. 2018) (holding that the district court did not abuse its discretion in sua sponte dismissing without prejudice prisoner's pro se § 1983 complaint for failure to comply with court order to file amended complaint where order expressly informed prisoner of deficiencies in his complaint and rules that he needed to follow in filing amended complaint).

Due to the Court’s dismissal pursuant to Rule 41(b), Defendants’ motion to dismiss (ECF No. 3) is DENIED as moot. SO ORDERED, this 18th day of February, 2026. S/ Marc T. Treadwell_____ MARC T. TREADWELL, JUDGE UNITED STATES DISTRICT COURT 2