

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

Richard Jerry McLeod v. Catherine Smith, et al.

McLeod v. Smith · No. 7:26-cv-05–WLS · Decided February 24, 2026

SUMMARY

The United States District Court for the Middle District of Georgia orders pro se Plaintiff Richard Jerry McLeod to respond to an amended motion to dismiss filed by Brooks County Board of Commissioners, Mike Dewey, and Michael Gaines. The motion seeks dismissal for lack of personal jurisdiction based on alleged defects in service. The Court gives Plaintiff until March 17, 2026, to file a response or seek reasonable time to obtain counsel.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Valdosta Division
WRITING FOR THE COURT	W. Louis Sands, Sr. Judge
JURISDICTION	United States District Court for the Middle District of Georgia, Valdosta Division
DECIDED	February 24, 2026
DOCKET	7:26-cv-05–WLS
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order notifying pro se Plaintiff Richard Jerry McLeod of the pending amended motion to dismiss for lack of personal jurisdiction and permitting him to file a response before the court rules on the motion.
STANDARD OF REVIEW	On a motion to dismiss, the court accepts as true the facts alleged in the complaint, but the complaint must contain factual allegations raising a reasonable expectation that discovery will reveal evidence supporting the claims.
PRECEDENTIAL VALUE	Unpublished interlocutory district-court order with no reporter citation; limited precedential value.

PARTIES

Richard Jerry McLeod v. Catherine Smith, Brooks County Board of Commissioners, Mike Dewey, Michael Gaines, Chandler Giddes, Thomasville Humane Society

TOPICS

motions to dismiss

personal jurisdiction

service of process

civil procedure

PRACTICE AREAS

civil procedure

civil rights

personal jurisdiction

QUESTIONS PRESENTED

1. Whether the court should provide a pro se plaintiff notice and an opportunity to respond before deciding a motion to dismiss that could dispose of the claims against the moving defendants.
2. Whether the pending motion to dismiss asserts that the complaint should be dismissed for lack of personal jurisdiction based on inadequate or untimely service.

KEY QUOTATIONS

“As Plaintiff is proceeding pro se, the Court shall permit Plaintiff an opportunity to file a Response to Moving Defendants’ Motion to Dismiss, if he so desires, within twenty-one (21) days of this Order or no later than Tuesday, March 17, 2026.”

FACTUAL BACKGROUND

Richard Jerry McLeod is proceeding pro se. Brooks County Board of Commissioners, Mike Dewey, and Michael Gaines moved to dismiss, asserting that McLeod failed to properly and timely serve them and therefore failed to establish personal jurisdiction. McLeod had not filed a response to the amended motion when the court issued this order.

PROCEDURAL HISTORY

The motion to dismiss was originally filed in a state-court proceeding on December 8, 2025. Defendants Chandler Giddes and the Thomasville Humane Society filed a notice on January 7, 2026, and the Moving Defendants filed an amended special-appearance motion to dismiss on February 10, 2026. Plaintiff had not responded, so the court provided notice and a twenty-one-day opportunity to respond.

DISPOSITION

other

CASES CITED

- Griffith v. Wainwright, 772 F.2d 822 (11th Cir. 1985)

- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Wilchombe v. TeeVee Toons, Inc., 555 F.3d 949 (11th Cir. 2009)

OPINION

IFNO TRH TEH UEN MIITDEDDL SET DATISETSR DICISTT ORFIC GTE COORUGRIAT VALDOSTA DIVISION RICHARD JERRY McLEOD,; Plaintiff,; v.: CASE NO:: 7:26-cv-05–WLS CATHERINE SMITH,, Defendants. _____ ORDER

On February 10, 2026, Defendants Brooks County Board of Commissioners, Mike Dewey, and Michael Gaines (together the “Moving Defendants”) filed an Amended Special Appearance Motion to Dismiss for Lack of Personal Jurisdiction and a Memorandum in Support thereof (Docs. 10 & 11) (together the “Motion to Dismiss”). The Motion to Dismiss was originally filed December 8, 2025, in a state court proceeding.¹ Pro se Plaintiff Richard Jerry McLeod has not filed a response to the Motion to Dismiss.

The Court typically provides notice to pro se plaintiffs about how they may respond to a motion to dismiss. Hence, in an effort to ensure and to afford Plaintiff adequate notice regarding the Motion to Dismiss, the Court issues the instant Order. See generally Griffith v. Wainwright, 772 F.2d 822 (11th Cir. 1985) (per curiam). When considering a motion to dismiss, the Court accepts as true all facts set forth in a plaintiff’s complaint.

Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556 (2007); Wilchombe v. TeeVee Toons, Inc., 555 F.3d 949, 959 (11th Cir. 2009). Although the complaint must contain factual allegations that “raise a reasonable expectation that discovery will reveal evidence of” the plaintiff’s claims, Twombly, 550 U.S. at 556, Rule 41 of the Federal Rules of Civil Procedure provides that “[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil Procedure] or a court order, a defendant may move to dismiss the action or any claim against it.

Unless the dismissal order states otherwise, a dismissal under this subdivision... operates as an adjudication on the merits.” Fed. R. Civ. P. 41(b). On January 7, 2026, Defendants Chandler Giddes and the Thomasville Humane Society filed a Notice of The Motion to Dismiss seeks dismissal of the Complaint on the basis that Plaintiff failed to properly and timely serve the Moving Defendants.

Under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. Plaintiff may submit his argument to this Court by filing a brief, not exceeding 20 pages, in opposition to the Motion to Dismiss. M.D. Ga. L.R. 7.4. Furthermore, the Court’s resolution of a motion to dismiss could result in granting judgment against Plaintiff, and there would be no trial or further proceedings as to the Moving Defendants.

As Plaintiff is proceeding pro se, the Court shall permit Plaintiff an opportunity to file a Response to Moving Defendants’ Motion to Dismiss, if he so desires, within twenty-one (21) days of this

Order or no later than Tuesday, March 17, 2026. Thereafter, the Court will consider Moving Defendants' Motion to Dismiss and any opposition to the same filed by Plaintiff and issue its ruling.

Plaintiff is noticed that if Moving Defendants' Motion to Dismiss is granted, Plaintiff's Complaint against Defendants Brooks County Board of Commissioners, Mike Dewey, and Michael Gaines may be dismissed without further notice or proceeding. Plaintiff is further noticed that upon a timely written motion for a reasonable time to obtain counsel, the Court will consider the same before addressing Moving Defendants' Motion to Dismiss.

Otherwise, Plaintiff is entirely responsible for filing a timely response to Moving Defendants' motion as set out herein. SO ORDERED, this 24th day of February 2026. /s/ W. Louis Sands W. LOUIS SANDS, SR. JUDGE UNITED STATES DISTRICT COURT