

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Brian Washington v. Andrea Albert, et al.

Washington v. Albert · No. 2:25-cv-02073 · Decided December 17, 2025

SUMMARY

This Report and Recommendation addresses the dismissal of Brian Washington’s pro se 42 U.S.C. § 1983 complaint for failure to prosecute under Federal Rule of Civil Procedure 41(b). The recommendation relies on Washington’s failure to pay the filing fee or submit a pauper application, failure to respond to a show-cause order, and failure to update an address that resulted in returned mail.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Karen Wells Roby
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	December 17, 2025
DOCKET	2:25-cv-02073
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation in a pro se prisoner civil-rights action recommending dismissal without prejudice for failure to prosecute and failure to comply with court orders.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 41(b), a court may dismiss an action for failure to prosecute or failure to comply with the Federal Rules of Civil Procedure or a court order. In assessing dismissal, courts consider the extent to which the plaintiff, rather than counsel, was responsible for the delay or noncompliance; pro se litigants remain subject to procedural and substantive rules.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; not a final district-court judgment in the provided document.

TOPICS

- civil procedure
- motions to dismiss
- section 1983
- prisoners rights
- government liability

PRACTICE AREAS

Civil procedure

Prisoner civil rights

Failure to prosecute

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the filing-fee or pauper-application requirement and court orders.
2. Whether Washington's failure to notify the court of a current address supplied an additional basis for dismissal.

HOLDINGS

1. A court may dismiss a pro se action under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to prosecute, fails to comply with procedural requirements, and fails to comply with a court order; on the facts presented, dismissal without prejudice was recommended.
2. A pro se litigant's failure to notify the district court of an address change may constitute an additional basis for dismissal for failure to prosecute.

KEY QUOTATIONS

“A pro se litigant is not exempt from compliance with relevant rules of procedural and substantive law.” (at 2)

“For these reasons, Washington’s § 1983 complaint should be dismissed without prejudice under FED. R. CIV. P. 41(b) for failure to prosecute.” (at 3)

FACTUAL BACKGROUND

Washington, an inmate at the St. Tammany Parish Jail, filed a pro se § 1983 complaint concerning the conditions of confinement. Washington did not pay the filing fee or submit a pauper application, failed to respond to the Clerk's deficiency notice and the magistrate judge's show-cause order, and did not provide a current mailing address. Mail sent to the address of record was twice returned as undeliverable.

PROCEDURAL HISTORY

Brian Washington filed a pro se complaint under 42 U.S.C. § 1983 challenging conditions of confinement but neither paid the filing fee nor submitted a completed and certified in forma pauperis application. After the Clerk sent a deficiency notice and the magistrate judge issued a show-cause order, both mailings were returned as undeliverable. Washington did not respond, cure the filing deficiencies, or provide a current address. The magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b), subject to objections and review by the district judge.

DISPOSITION

dismissed

CASES CITED

- Markwell v. County of Bexar, 878 F.2d 899, 902 (5th Cir. 1989)
- Price v. McGlathery, 792 F.2d 472, 474-75 (5th Cir. 1986)
- Silas v. Sears, Roebuck & Co., 586 F.2d 382, 385 (5th Cir. 1978)
- Ramsay v. Bailey, 531 F.2d 706, 708-09 (5th Cir. 1976)
- Birl v. Estelle, 660 F.2d 592, 593 (5th Cir. 1981)
- Beard v. Experian Info. Solutions Inc., 214 F. App'x 459, 462 (5th Cir. 2007)
- Kersh v. Derozier, 851 F.2d 1509, 1512 (5th Cir. 1988)
- Lewis v. Hardy, 248 F. App'x 589, 2007 WL 2809969, at *4 n.1 (5th Cir. 2007)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996)

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