

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Edward P. Gardner v. Shawn Phillips, Stacy Oaks, and Frank Strada

Gardner · No. 3:26-CV-130-TAV-JEM · Decided May 29, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee dismisses Edward P. Gardner’s 42 U.S.C. § 1983 action under Federal Rule of Civil Procedure 41(b) for failure to comply with an order requiring a certified inmate trust account statement. The court assesses the \$405 filing fee, directs distribution of the opinion and order to relevant custodial and financial officials, and certifies that any appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Thomas A. Varlan
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	May 29, 2026
DOCKET	3:26-CV-130-TAV-JEM
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a civil-rights action under 42 U.S.C. § 1983 and moved to proceed in forma pauperis. After the court ordered him to submit a certified copy of his inmate trust account, he failed to comply, and the court dismissed the action sua sponte under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	The court applied the four-factor test for dismissal under Federal Rule of Civil Procedure 41(b): willfulness, bad faith, or fault; prejudice to the opposing party; prior warning; and whether less drastic sanctions were imposed or considered.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Edward P. Gardner v. Shawn Phillips, Stacy Oaks, Frank Strada

TOPICS

- civil procedure
- sanctions
- prisoners rights
- section 1983

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed sua sponte under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order and failure to prosecute.
2. Whether the plaintiff's failure to comply with the order warranted assessment of the filing fee.
3. Whether the court should certify that any appeal would not be taken in good faith under 28 U.S.C. § 1915(a)(3).

HOLDINGS

1. The court may dismiss the action sua sponte under Rule 41(b) because Plaintiff failed to comply with the order requiring a certified inmate trust-account statement and failed to prosecute the case.
2. The plaintiff must be assessed the \$405.00 filing fee even though the action was dismissed.
3. The court certified that any appeal from the action would not be taken in good faith and would be totally frivolous.

KEY QUOTATIONS

“Although Rule 41(b) does not expressly provide for a sua sponte dismissal (the rule actually provides for dismissal on defendant’s motion), it is well-settled that the district court can enter a sue sponte order of dismissal under Rule 41(b).”

“while pro se litigants may be entitled to some latitude when dealing with sophisticated legal issues, acknowledging their lack of formal training, there is no cause for extending this margin to straightforward procedural requirements that a layperson can comprehend as easily as a lawyer.”

FACTUAL BACKGROUND

Edward P. Gardner, a prisoner in the custody of the Tennessee Department of Correction, filed a civil-rights action and sought to proceed in forma pauperis. The motion was not properly supported, so the court ordered Gardner to submit a certified copy of his inmate trust account for the preceding six months within 30 days. Gardner did not submit the required documentation, pay the filing fee, or otherwise respond to the court.

PROCEDURAL HISTORY

Plaintiff submitted an in forma pauperis motion that was not properly supported. On April 21, 2026, the court ordered him to submit a certified six-month inmate trust-account statement within 30 days and warned that failure to do so would result in dismissal. Plaintiff neither complied nor communicated with the court, so the court dismissed the case, assessed the filing fee, and certified that any appeal would not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Knoll v. Am. Tel. & Tel. Co., 176 F.3d 359, 362–63 (6th Cir. 1999)
- Rogers v. City of Warren, 302 F. App'x 371, 375 n.4 (6th Cir. 2008)
- Link v. Wabash R.R., 370 U.S. 626, 630 (1962)
- Wu v. T.W. Wang, Inc., 420 F.3d 641, 643 (6th Cir. 2005)
- Jourdan v. Jabe, 951 F.2d 108, 109 (6th Cir. 1991)
- McGore v. Wrigglesworth, 114 F.3d 601, 607 (6th Cir. 1997)

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