

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION

Derek A. Jackson v. Captain FNU Bingham, et al.

Civil Action No. 4:25cv1099 · No. 4:25cv1099 · Decided January 6, 2026

SUMMARY

The United States District Court for the Eastern District of Texas dismissed Derek A. Jackson’s 42 U.S.C. § 1983 action against Captain FNU Bingham and others without prejudice. The court dismissed the case sua sponte under Federal Rule of Civil Procedure 41(b) for failure to comply with an order requiring payment of the filing fee or submission of an in forma pauperis application and financial data.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	January 6, 2026
DOCKET	4:25cv1099
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a prisoner civil-rights action under 42 U.S.C. § 1983. After the court ordered him to pay the filing fee or submit an in forma pauperis application with supporting financial records, he failed to comply, and the court sua sponte dismissed the action without prejudice for failure to prosecute.
STANDARD OF REVIEW	A dismissal for failure to prosecute is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Unpublished district-court memorandum opinion and order; limited precedential value.
PARTIES	Derek A. Jackson v. Captain FNU Bingham, et al.

TOPICS

- civil procedure
- prisoners rights
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court may dismiss the action for failure to prosecute when the plaintiff fails to comply with an order requiring payment of the filing fee or submission of an in forma pauperis application and financial records.

HOLDINGS

1. A district court may dismiss an action without prejudice under Federal Rule of Civil Procedure 41(b) when a litigant fails to prosecute the case or comply with a court order; because Jackson failed to comply with the filing-fee or in forma pauperis order, dismissal was warranted.

KEY QUOTATIONS

“A district court may dismiss an action for failure of a litigant to prosecute or to comply with any order of the court.”

“Therefore, the case will be dismissed for failure to prosecute.”

FACTUAL BACKGROUND

Plaintiff Derek A. Jackson filed a pro se civil-rights action. The court ordered him either to pay the \$405 filing fee or to submit an in forma pauperis application accompanied by a certified data sheet or equivalent reflecting six months of inmate-account activity. Jackson failed to comply with that order.

PROCEDURAL HISTORY

Jackson filed a pro se § 1983 action in the Eastern District of Texas and consented to magistrate-judge jurisdiction. The court ordered him to pay the \$405 filing fee or submit an in forma pauperis application and certified account data, but he failed to comply; the court then dismissed the case without prejudice under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- Green v. Forney Eng'g Co., 589 F.2d 243, 247 (5th Cir. 1979)
- Lopez v. Aransas Cnty. ISD, 570 F.2d 541, 544 (5th Cir. 1978)
- Anthony v. Marion Cnty. Gen. Hosp., 617 F.2d 1164, 1167 (5th Cir. 1980)
- McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION DEREK A. JACKSON, #29905 § § VS. § CIVIL ACTION NO.
4:25cv1099 § CAPTAIN FNU BINGHAM, ET AL. § MEMORANDUM OPINION AND
ORDER Pro se Plaintiff Derek A. Jackson filed a civil rights action pursuant to 42 U.S.C. § 1983.

The action was assigned to the undersigned United States Magistrate Judge in accordance with the Standing Order Assigning Prisoner Civil Rights Cases Filed in the Sherman Division to a Magistrate Judge. (Dkt. #2). Plaintiff consented to have a magistrate judge conduct all proceedings. (Dkt. #3).

On November 10, 2025, the court ordered Plaintiff to either pay the \$405.00 filing fee or submit an application to proceed in forma pauperis along with a certified in forma pauperis data sheet, or equivalent, reflecting his last six months of financial activity from his inmate trust account. (Dkt. #4).

As of this date, Plaintiff has failed to comply with the court's Order (Dkt. #4); thus, he has failed to prosecute his case. The exercise of the power to dismiss for failure to prosecute is committed to the sound discretion of the court; appellate review is only for abuse of that discretion. *Green v. Forney Eng'g Co.*, 589 F.2d 243, 247 (5th Cir. 1979); *Lopez v. Aransas Cnty.*

ISD, 570 F.2d 541, 544 (5th Cir. 1978). Not only may a district court dismiss for want of prosecution upon motion of a defendant, but it may also dismiss an action sua sponte when necessary to achieve the orderly and expeditious disposition of a case. *Anthony v. Marion Cnty. Gen. Hosp.*, 617 F.2d 1164, 1167 (5th Cir. 1980). A district court may dismiss an action for failure of a litigant to prosecute or to comply with any order of the court.

McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988); Fed. R. Civ. P. 41(b). In this case, Plaintiff has failed to comply with the court's Order (Dkt. #4). Therefore, the case will be dismissed for failure to prosecute. Fed. R. Civ. P. 41(b). It is accordingly ORDERED that the case is DISMISSED without prejudice. Fed. R. Civ. P. 41(b). Any pending motions are denied as moot.