

**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

OPINION

Bingham

PER CURIAM.

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.

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