

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
ARKANSAS, FAYETTEVILLE DIVISION

Jabares Kenyon Garrison v. Deputy Suraj Bhardwaj, Benton County
Detention Center (BCDC); Officer Zachery Wilson, BCDC; Sergeant
Kevin Miller, BCDC; and Deputy White

Garrison · No. 5:25-cv-05040-SGS · Decided March 30, 2026

SUMMARY

The United States District Court for the Western District of Arkansas dismissed Jabares Kenyon Garrison’s 42 U.S.C. § 1983 action with prejudice under Federal Rule of Civil Procedure 41(b) after he failed to respond to the defendants’ motion for summary judgment and failed to comply with orders directing him to respond and show cause. The court concluded that his intentional noncompliance, the late stage of the case, and the defendants’ expenditure of resources warranted dismissal with prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Arkansas, Fayetteville Division
WRITING FOR THE COURT	Spencer G. Singleton
JURISDICTION	United States District Court for the Western District of Arkansas, Fayetteville Division
DECIDED	March 30, 2026
DOCKET	5:25-cv-05040-SGS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff's civil-rights action under 42 U.S.C. § 1983 was before the district court on Plaintiff's failure to comply with court orders and failure to prosecute after Defendants filed a motion for summary judgment.
STANDARD OF REVIEW	A Rule 41(b) dismissal for failure to prosecute or failure to comply with a court order is committed to the district court's discretion; dismissal with prejudice is appropriate when the record shows intentional noncompliance, clear delay, or contumacious conduct, assessed in light of the conduct's impact on the defendants and the administration of justice.

PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Jabares Kenyon Garrison v. Deputy Suraj Bhardwaj, Benton County Detention Center (BCDC), Officer Zachery Wilson, Sergeant Kevin Miller, Deputy White

TOPICS

civil procedure section 1983 prisoners rights summary judgment

PRACTICE AREAS

civil procedure civil rights prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to comply with court orders and failed to prosecute.
2. Whether the dismissal should be with prejudice given Plaintiff's intentional noncompliance and the resources expended by Defendants.

HOLDINGS

1. A district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to comply with court orders or fails to prosecute, and Plaintiff's repeated failure to respond to the court's orders warranted dismissal.
2. Dismissal with prejudice was warranted because Plaintiff's intentional failure to comply with court orders, together with the relatively late stage of the case and the significant resources expended by Defendants, justified the drastic sanction.

KEY QUOTATIONS

"At the same time, however, 'dismissal with prejudice under Rule 41(b) is a drastic sanction which should be exercised sparingly.'" (Discussion)

"The district court's exercise of this power is within the permissible range of its discretion if there has been a clear record of delay or contumacious conduct by the plaintiff." (Discussion)

"Plaintiff's Complaint (ECF No. 1) is DISMISSED WITH PREJUDICE based on Plaintiff's failure to prosecute this case and his failure to obey the orders of the Court." (Conclusion)

FACTUAL BACKGROUND

Plaintiff proceeded pro se and in forma pauperis in a § 1983 civil-rights action. After Defendants moved for summary judgment, the court ordered Plaintiff to respond and later ordered him to show cause for failing to respond. Both orders were mailed to Plaintiff and were not returned as undeliverable, but Plaintiff filed no response to either order.

PROCEDURAL HISTORY

Defendants filed a motion for summary judgment on February 2, 2026. The court ordered Plaintiff to respond by February 24, 2026, but he filed no response. The court then ordered Plaintiff to show cause by March 25, 2026, and Plaintiff again failed to respond. The court dismissed the complaint with prejudice under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)
- Brown v. Frey, 806 F.2d 801, 803-04 (8th Cir. 1986)
- Pardee v. Stock, 712 F.2d 1290, 1292 (8th Cir. 1983)
- Rodgers v. Curators of University of Missouri, 135 F.3d 1216, 1219 (8th Cir. 1998)

OPINION

Garrison

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF ARKANSAS

FAYETTEVILLE DIVISION

JABARES KENYON GARRISON PLAINTIFF

v. Civil No. 5:25-cv-05040-SGS DEPUTY SURAJ BHARDWAJ, Benton County Detention Center (BCDC); OFFICER

ZACHERY WILSON, BCDC; SERGEANT

KEVIN MILLER, BCDC; and DEPUTY

WHITE DEFENDANTS

OPINION AND ORDER

This is a civil rights action filed by the Plaintiff pursuant to 42 U.S.C. § 1983. Plaintiff Jabares Kenyon Garrison proceeds pro se and in forma pauperis. The case is before the Court on Plaintiff's failure to obey the orders of the Court.

I. DISCUSSION

On February 2, 2026, the Defendants in this case filed a Motion for Summary Judgment (ECF No. 21). The next day, this Court entered an Order directing Plaintiff to file his response to that Motion by February 24, 2026. See ECF No. 24. Plaintiff never filed any response; so on March 4, this Court entered an Order directing Plaintiff to show cause why he failed to obey the previous Order, and imposing a deadline of March 25, 2026 for Plaintiff's show-cause response. See ECF No. 26. Plaintiff never responded to that Order either, and his deadline to do so has now passed. Both

aforementioned Orders were mailed to Plaintiff, and neither was returned as undeliverable. The Federal Rules of Civil Procedure specifically contemplate dismissal of a case on the ground that the plaintiff failed to prosecute or failed to comply with an order of the court. Fed. R. Civ. P. 41(b); *Line v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating that the district court possesses the power to dismiss sua sponte under Rule 41(b)). Pursuant to Rule 41(b), a district court has the power to dismiss an action based on “the plaintiff’s failure to comply with any court order.” *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (emphasis added). Additionally, Rule 5.5(c) (2) of the Local Rules for the Eastern and Western Districts of Arkansas requires parties appearing pro se to monitor the case, and to prosecute or defend the action diligently. Therefore, Plaintiff’s case should be dismissed for failure to comply with the Court’s Local Rules and orders and for failure to prosecute this case. The only remaining question is whether the dismissal should be with or without prejudice. A dismissal under Rule 41(b) operates as an adjudication on the merits unless otherwise specified. Fed. R. Civ. P. 41(b); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986). “At the same time, however, ‘dismissal with prejudice under Rule 41(b) is a drastic sanction which should be exercised sparingly.’” *Id.* (quoting *Pardee v. Stock*, 712 F.2d 1290, 1292 (8th Cir. 1983)). “The district court’s exercise of this power is within the permissible range of its discretion if there has been a clear record of delay or contumacious conduct by the plaintiff.” *Id.* (internal citation and quotations omitted). In considering a Rule 41(b) dismissal, the Court must balance “the degree of egregious conduct which prompted the order of dismissal and to a lesser extent . . . the adverse impact of such conduct upon both the defendant and the administration of justice in the district court.” *Rodgers v. Curators of University of Missouri*, 135 F.3d 1216, 1219 (8th Cir. 1998) (internal quotations omitted). In reviewing a dismissal with prejudice, the Eighth Circuit considers “whether in the particular circumstances of the case, the needs of the court in advancing a crowded docket and preserving respect for the integrity of its internal procedures are sufficient to justify the harsh consequences of forever denying a litigant of his day in court.” *Id.* “However, the district court need not have found that [the plaintiff] acted in bad faith, only that he acted intentionally as opposed to accidentally or involuntarily.” *Id.* Given the relatively late stage in this case, along with the fact that Defendants have moved for summary judgment, it is clear that the Defendants have expended significant resources on discovery and motion practice. And since this Court’s orders have not been returned as undeliverable when mailed to Plaintiff, it is also clear that Plaintiff has received notice of the deadlines mentioned above, and that he has simply chosen not to comply with them. Accordingly, the Court finds that Plaintiff’s intentional failure to comply with court orders, combined with the resources expended by the Defendants, warrant this case being dismissed with prejudice.

II. CONCLUSION

IT IS THEREFORE ORDERED that Plaintiff’s Complaint (ECF No. 1) is DISMISSED WITH PREJUDICE based on Plaintiff’s failure to prosecute this case and his failure to obey the orders of the Court. Judgment will be entered contemporaneously with this Order. IT IS SO ORDERED this

30th day of March 2026. Spencer G. Singleton /s/
HON. SPENCER G. SINGLETON
UNITED STATES MAGISTRATE JUDGE

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