

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
FLORIDA, TALLAHASSEE DIVISION

William McGhee v. Bank of America

McGhee · No. 4:25-cv-529-AW-MAF · Decided March 23, 2026

SUMMARY

A magistrate judge recommends dismissing William McGhee’s pro se civil action against Bank of America for failure to prosecute and failure to comply with a court order. The recommendation explains that McGhee failed to file an amended complaint by the court-ordered deadline and provides notice of the procedure and deadline for filing objections.

CASE DETAILS

COURT	United States District Court for the Northern District of Florida, Tallahassee Division
WRITING FOR THE COURT	Martin A. Fitzpatrick
JURISDICTION	United States District Court for the Northern District of Florida, Tallahassee Division
DECIDED	March 23, 2026
DOCKET	4:25-cv-529-AW-MAF
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation recommending sua sponte dismissal of a pro se plaintiff's civil action for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	Dismissal for failure to prosecute or failure to comply with a court order is within the district court's discretion and inherent authority; dismissal is generally not an abuse of discretion when a litigant disregards an order after being forewarned.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute after Plaintiff failed to file an amended complaint by the court-ordered deadline.
2. Whether the action should be dismissed for failure to comply with a court order under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. The magistrate judge concluded that dismissal was appropriate because Plaintiff failed to prosecute the action and failed to comply with the order granting him an opportunity to file an amended complaint, and recommended that the case be dismissed.

KEY QUOTATIONS

“While dismissal is an extraordinary remedy, dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.” (unpaginated)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se, filed a complaint against Bank of America alleging violations of numerous federal financial statutes. The complaint was illegible in many places and did not explain how Defendant violated the cited statutes or the facts supporting the claims. After Plaintiff was given an opportunity to file a sufficient amended complaint by February 17, 2026, he filed nothing further.

PROCEDURAL HISTORY

Plaintiff filed a civil complaint alleging violations of numerous federal financial statutes. The court determined that the complaint failed to comply with the Local Rules and Federal Rules of Civil Procedure, granted Plaintiff an opportunity to amend, and set a February 17, 2026 deadline. Plaintiff filed nothing by the deadline, so the magistrate judge recommended dismissal.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R., 370 U.S. 626 (1962)
- Moon v. Newsome, 863 F.2d 835, 838 (11th Cir. 1989), cert. denied, 493 U.S. 863 (1989)
- Smith v. Bruster, 424 F. App'x 912, 915 (11th Cir. 2011)

OPINION

MCGHEE

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

WILLIAM MCGHEE,

Plaintiff, vs. Case No. 4:25-cv-529-AW-MAF

BANK OF AMERICA,

Defendant. _____/

REPORT AND RECOMMENDATION

Plaintiff, proceeding pro se, filed a civil complaint against Bank of America alleging violations of numerous federal financial statutes. ECF No.

1. Plaintiff's complaint did not comply with the Local Rules or the Federal Rules of Civil Procedure, and he was given the opportunity to file an amended complaint correcting the issues. ECF No. 4. His deadline for doing so was February 17, 2026. Id. The deadline passed five weeks ago and nothing has been received from Plaintiff. No mail was returned. Dismissal is warranted. A trial court has inherent power to dismiss a case sua sponte for failure to prosecute. *Link v. Wabash R.R.*, 370 U.S. 626 (1962). Federal Rule of Civil Procedure 41(b) authorizes a district court to dismiss an action for failure to obey a court order. *Moon v. Newsome*, 863 F.2d 835, 838 (11th Cir. 1989), cert. denied, 493 U.S. 863 (1989). Furthermore, the Eleventh Circuit has noted that "[w]hile dismissal is an extraordinary remedy, dismissal upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion." Id. It is within this Court's discretion and "inherent authority" to dismiss a case for failing to comply with a court order. *Smith v. Bruster*, 424 F. App'x 912, 915 (11th Cir. 2011). Here, Plaintiff's original complaint failed to comply with the Local Rules. Plaintiff's handwriting was not legible in many places; he failed to explain how Defendant violated any of the statutes listed; and failed to explain the facts of the case. He was given an opportunity to file a sufficient amended complaint. As of this date, Plaintiff has failed to file anything more. It appears Plaintiff has abandoned this case. Because Plaintiff has failed to prosecute this case and failed to comply with a court order, dismissal is appropriate. For the reasons stated above, it is respectfully RECOMMENDED that this case be DISMISSED for failure to prosecute and failure to comply with a court order. IN CHAMBERS at Tallahassee, Florida on March 23, 2026. s/ Martin A. Fitzpatrick

MARTIN A. FITZPATRICK

UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Within fourteen (14) days after being served with a copy of this Report and Recommendation, a party may serve and file specific written objections to these proposed findings and

recommendations. Fed. R. Civ. P. 72(b)(2). A copy of the objections shall be served upon all other parties. A party may respond to another party's objections within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b)(2). Any different deadline that may appear on the electronic docket is for the Court's internal use only and does not control. If a party fails to object to the Magistrate Judge's findings or recommendations as to any particular claim or issue contained in this Report and Recommendation, that party waives the right to challenge on appeal the District Court's order based on the unobjected-to factual and legal conclusions. See 11th Cir. Rule 3-1; 28 U.S.C. § 636(b)(1)(C).