

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PRECEDENTIAL VALUE	nonprecedential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)