

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, MACON DIVISION

TRAVIS LEROY BALL v. Sheriff DAN KILGORE, et al.

Ball v. Kilgore · No. 5:24-cv-262-CAR-ALS · Decided March 12, 2026

SUMMARY

The United States District Court for the Middle District of Georgia notified the pro se plaintiff that defendants had filed a motion to dismiss. The notice advises that the plaintiff has 21 days to file an opposition and warns that failure to respond may result in the motion being treated as uncontested and judgment being entered without a trial.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Macon Division
WRITING FOR THE COURT	Alfreda L. Sheppard
DECIDED	March 12, 2026
DOCKET	5:24-cv-262-CAR-ALS
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to dismiss the pro se plaintiff's complaint. The court issued a notice advising the plaintiff of the motion's significance and of his opportunity to respond.
PRECEDENTIAL VALUE	district court procedural notice; no reporter citation

TOPICS

[motions to dismiss](#) [civil procedure](#) [civil rights](#) [prisoners rights](#)

PRACTICE AREAS

[civil procedure](#) [civil rights](#) [prisoner civil rights](#)

QUESTIONS PRESENTED

- Whether a pro se plaintiff must be adequately advised of the significance of a pending motion to dismiss and given an opportunity to respond before the court rules on it.

HOLDINGS

1. The court must adequately advise a pro se plaintiff of the significance of a motion to dismiss and provide an opportunity to respond before deciding the motion.

KEY QUOTATIONS

“FAILURE OF PLAINTIFF TO RESPOND TO AND REBUT THE LEGAL ARGUMENTS SET FORTH IN DEFENDANTS’ BRIEF MAY RESULT IN THESE STATEMENTS BEING ACCEPTED AS UNCONTESTED AND CORRECT.”

FACTUAL BACKGROUND

Travis Leroy Ball filed a complaint against Sheriff Dan Kilgore and other defendants. The defendants filed a motion to dismiss with a supporting brief. The court's order concerns only notice and the opportunity for Ball to respond before the motion is decided.

PROCEDURAL HISTORY

Defendants filed a motion to dismiss and supporting brief on March 11, 2026. Before ruling on the motion, the court notified the pro se plaintiff that he had twenty-one days to file an opposition brief and warned that failure to respond could result in the motion being granted and final judgment being entered.

DISPOSITION

other

CASES CITED

- Griffith v. Wainwright, 772 F.2d 822, 825 (11th Cir. 1985)

OPINION

FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION TRAVIS LEROY BALL,: Plaintiff,: v.: Case No. 5:24-cv-262-CAR-ALS Sheriff DAN KILGORE, et al.,: Defendants.:

NOTIFICATION OF MOTION TO DISMISS On March 11, 2026, Defendants filed a Motion to Dismiss Plaintiff’s Complaint and a brief in support thereof. (Doc. 30).

The Court is required to adequately advise Plaintiff of the significance of Defendants’ Motion. See Griffith v. Wainwright, 772 F.2d 822, 825 (11th Cir. 1985). In an effort to afford Plaintiff, who is proceeding pro se, adequate notice and time to respond to Defendants’ Motion, the following notice is given.

Under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. Plaintiff may submit his argument to this Court by filing a brief in opposition to Defendants’ Motion to Dismiss. Unless the Court has granted permission, any brief should not exceed twenty (20) pages. M.D. Ga. Civ. L.R. 7.4. FAILURE OF PLAINTIFF TO RESPOND TO

AND REBUT THE LEGAL ARGUMENTS SET FORTH IN DEFENDANTS' BRIEF MAY RESULT IN THESE STATEMENTS BEING ACCEPTED AS UNCONTESTED AND CORRECT.

The Court could grant judgment and there would be no trial or further proceedings in this case. Accordingly, Plaintiff is NOTIFIED of his right to submit a response to Defendants' Motion to Dismiss WITHIN TWENTY-ONE (21) DAYS of the date of this Notice.

As explained above, if Plaintiff fails to file a brief in opposition to the Motion to Dismiss, a final judgment may be rendered against him if Plaintiff's response. Thereafter, the Court will consider Defendants' Motion to Dismiss and any opposition to the same filed by Plaintiff and issue its ruling. SO ORDERED, this 12th day March, 2026. s/ ALFREDA L. SHEPPARD UNITED STATES MAGISTRATE JUDGE