

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10980
Non-Argument Calendar

SHAUN PATRICK STEWART,

Plaintiff-Appellant,

versus

GOVERNOR OF FLORIDA,

SARASOTA COUNTY SHERIFF,

Sheriff - Individual and Official Capacity,

SARASOTA COUNTY JAIL WARDEN,

Warden - Individual and Official Capacity,

SARASOTA COUNTY,

Individual and Official Capacity,

JOHN DOE,

deputy 12CF1635 - North Port Police Department -

Individual and Official Capacity, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 5:24-cv-00491-WWB-PRL

Before JORDAN, LUCK, and KIDD, Circuit Judges.

PER CURIAM:

Shaun Stewart, proceeding pro se, filed civil rights claims against state officials while in pretrial detention at the Sumter County Jail. He did not pay the filing fee. The next day, the magistrate judge ordered him either to pay the filing fee or file an application to proceed in forma pauperis.

About five weeks later, when Stewart had not taken any action, the magistrate judge ordered him to either show cause why his case should not be dismissed, or to comply with the prior order within twenty-one days. Stewart then submitted an application to proceed in forma pauperis but did not attach a copy of his inmate account statement. Because there was no account statement attached, the magistrate judge denied Stewart's application. *See* 28 U.S.C. § 1915(a)(2).

The magistrate judge gave Stewart another twenty-one days to file an application with the necessary account statement. Stewart instead filed a motion for miscellaneous relief, asking to be excused from the requirement to file an account statement. Stewart wrote that jail officials had only provided him with one copy of his account statement. This was a problem, Stewart explained, because he had “submitted roughly [thirty plus] grievances in the last

25-10980

Opinion of the Court

3

year” and the jail had not provided him with account statements for any of those grievances.

The magistrate judge issued another order, this time giving Stewart thirty additional days to file an account statement. Instead, Stewart filed a motion to reconsider and another incomplete application to proceed in forma pauperis, which was also missing an account statement. Stewart explained that the “jail staff ha[d] denied all requests for a copy of his inmate account balance [and] history,” and argued that he should be allowed to proceed without having to file a copy of the account statement.

The magistrate judge, explaining that a copy of the account statement was statutorily required, denied Stewart’s motions, and, for a third time, ordered him to file a complete application within thirty days. Stewart filed nothing in response. Instead, after waiting another forty-nine days, the district court dismissed Stewart’s complaint without prejudice for failure to prosecute.

Stewart appeals the dismissal, arguing that because he alleged jail staff refused to provide him with an account statement, the district court should have approved his application to proceed in forma pauperis and allowed him to proceed with his action. We review a district court’s dismissal of an action for failure to prosecute for abuse of discretion. *Goforth v. Owens*, 766 F.2d 1533, 1535 (11th Cir. 1985). “Discretion means the district court has a range of choice, and that its decision will not be disturbed as long as it stays within that range and is not influenced by any mistake of

law.” *Zocaras v. Castro*, 465 F.3d 479, 483 (11th Cir. 2006) (citation modified).

“A prisoner seeking to bring a civil action . . . without prepayment of fees . . . shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the [six]-month period immediately preceding the filing of the complaint . . .” 28 U.S.C. § 1915(a)(2). And the district court “has the inherent ability to dismiss a claim in light of its authority to enforce its orders and provide for the efficient disposition of litigation.” *Zocaras*, 465 F.3d at 483 (citing *Link v. Wabash R.R.*, 370 U.S. 626, 630–31 (1962)).

The district court did not abuse its discretion in dismissing Stewart’s complaint without prejudice. Stewart was given ample opportunity to comply with the court’s orders. He was given three extensions, yet he never filed a compliant application or paid the filing fee. And after the last extension, he did not explain why he failed to comply or needed more time.

Stewart responds that he should have been allowed to proceed without filing an account statement. But the Prison Litigation Reform Act requires an account statement. And after the third extension, Stewart did not offer a reason why he couldn’t get the statement or needed more time. Without an explanation, and given Stewart’s failure to comply with the earlier orders, the district court was within its discretion to dismiss without prejudice.

AFFIRMED.