

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Jesse Joseph Aich v. State of Kansas, et al.

Aich · No. 26-3072-JWL · Decided May 4, 2026

SUMMARY

The United States District Court for the District of Kansas dismisses Jesse Joseph Aich’s pro se civil action without prejudice under Federal Rule of Civil Procedure 41(b). The dismissal follows Plaintiff’s failure to pay the required filing fee by the court-ordered deadline after in forma pauperis status was denied under the three-strikes provision of 28 U.S.C. § 1915(g).

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	John W. Lungstrum
JURISDICTION	United States District Court for the District of Kansas
DECIDED	May 4, 2026
DOCKET	26-3072-JWL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se prisoner civil action dismissed without prejudice under Federal Rule of Civil Procedure 41(b) after plaintiff failed to pay the filing fee by the court-ordered deadline.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

civil procedure

PRACTICE AREAS

civil procedureprisoner civil rights

QUESTIONS PRESENTED

- Whether the court could dismiss the action without prejudice under Federal Rule of Civil Procedure 41(b) because plaintiff failed to comply with the court's order requiring payment of the filing fee.

HOLDINGS

1. A district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to comply with a court order, and plaintiff's failure to pay the court-ordered filing fee warranted dismissal without prejudice.

KEY QUOTATIONS

“As a consequence, the Court dismisses this action without prejudice pursuant to Rule 41(b) for failure to comply with court orders.”

FACTUAL BACKGROUND

Plaintiff was incarcerated at the Reno County Correctional Facility in Hutchinson, Kansas, and brought a pro se action under the False Claims Act. He failed to pay the \$405 filing fee after the court denied his motions to proceed in forma pauperis under the three-strikes provision. The court had warned that failure to pay by April 30, 2026, would result in dismissal without prejudice.

PROCEDURAL HISTORY

Plaintiff filed a civil action invoking the False Claims Act and initially sought leave to proceed in forma pauperis. The court denied that request under the three-strikes provision of 28 U.S.C. § 1915(g), finding no showing of imminent danger of serious physical injury, and ordered plaintiff to pay the \$405 filing fee by April 30, 2026. The court denied a second in forma pauperis motion for the same reasons and expressly warned that failure to pay by the deadline would result in dismissal without prejudice and without further notice. Plaintiff did not pay the fee, so the court dismissed the action under Rule 41(b).

DISPOSITION

dismissed

CASES CITED

- Young v. U.S., 316 F. App'x 764, 771-72 (10th Cir. 2009)
- Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)
- Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS JESSE JOSEPH AICH, Plaintiff, v. CASE NO. 26-3072-JWL STATE OF KANSAS, et al., Defendants. MEMORANDUM AND ORDER Plaintiff brings this pro se civil action. Plaintiff is in custody at the Reno County Correctional Facility in Hutchinson, Kansas. Plaintiff claims that he is bringing this action under the False Claims Act and named the State of Kansas as the sole defendant.¹ (Doc.

1, at 1.) On March 30, 2026, the Court entered a Memorandum and Order (Doc. 4) (“M&O”) denying Plaintiff’s first motion for leave to proceed in forma pauperis, finding that Plaintiff is subject to the “three-strikes” provision under 28 U.S.C. § 1915(g).

The Court examined the Complaint and attachments and found no showing of imminent danger of serious physical injury. The Court also found that the claims appear to be frivolous. The Court granted Plaintiff until April 30, 2026, to submit the \$405.00 filing fee.

The Court also denied Plaintiff’s second motion for leave to proceed in forma pauperis for the same reasons set forth in the M&O. (Doc. 9.) The Court’s order denying the second motion provides that “the Court-ordered April 30, 2026 deadline to submit the \$405.00 filing fee remains in effect.

The failure to submit the fee by that date will result in the dismissal of this matter without prejudice and without additional prior notice.” Id. at 2.) Plaintiff has failed to pay the filing fee by the Court’s deadline. 1 Plaintiff filed a one-page document titled “Amended Complaint 1) to Add Defendant 2) to Add Relief.” (Doc. 8.) He added the 27th Judicial District as a defendant and added a request to dismiss his state criminal cases “with extreme prejudice.” Id. Rule 41(b) of the Federal Rules of Civil Procedure “authorizes a district court, upon a defendant’s motion, to order the dismissal of an action for failure to prosecute or for failure to comply with the Federal Rules of Civil Procedure or ‘a court order.’” *Young v. U.S.*, 316 F. App’x 764, 771 (10th Cir.

2009) (citing Fed. R. Civ. P. 41(b)). “This rule has been interpreted as permitting district courts to dismiss actions sua sponte when one of these conditions is met.” Id. (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)). “In addition, it is well established in this circuit that a district court is not obligated to follow any particular procedures when dismissing an action without prejudice under Rule 41(b).” *Young*, 316 F. App’x at 771–72 (citations omitted).

Plaintiff has failed to pay the filing fee by the deadline set forth in the Court’s order. As a consequence, the Court dismisses this action without prejudice pursuant to Rule 41(b) for failure to comply with court orders. IT IS THEREFORE ORDERED BY THE COURT that this action is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). IT IS SO ORDERED.

Dated May 4, 2026, in Kansas City, Kansas. S/ John W. Lungstrum JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE