

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PRECEDENTIAL VALUE	nonprecedential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)