

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

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