

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
OKLAHOMA

Jackey White v. Adair County Jail, et al.

White · No. 26-CV-133-JFH-JAR · Decided June 26, 2026

SUMMARY

The United States District Court for the Eastern District of Oklahoma dismissed Jackey White’s 42 U.S.C. § 1983 action without prejudice under Federal Rule of Civil Procedure 41(b). The dismissal was based on Plaintiff’s failure to pay the filing and administrative fees, file a motion to proceed in forma pauperis, or seek an extension of time.

CASE DETAILS

COURT	United States District Court for the Eastern District of Oklahoma
WRITING FOR THE COURT	John F. Heil, III
JURISDICTION	United States District Court for the Eastern District of Oklahoma
DECIDED	June 26, 2026
DOCKET	26-CV-133-JFH-JAR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff initiated a pro se prisoner civil-rights action under 42 U.S.C. § 1983 and failed to comply with an order requiring payment of filing and administrative fees or submission of an in forma pauperis motion.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Jackey White v. Adair County Jail, et al.

TOPICS

- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights

QUESTIONS PRESENTED

1. Whether the Court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to comply with an order requiring payment of filing fees or submission of an in forma

pauperis motion.

2. Whether dismissal for that noncompliance should be without prejudice.

HOLDINGS

1. A federal court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute or comply with a court order.
2. The action should be dismissed without prejudice for Plaintiff's failure to comply with the Court's order.

KEY QUOTATIONS

“[T]he Rule has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff’s failure to prosecute or comply with the rules of civil procedure or court’s orders.”

“IT IS THEREFORE ORDERED that Plaintiff’s action is DISMISSED WITHOUT PREJUDICE under Rule 41(b) of the Federal Rules of Civil Procedure.”

FACTUAL BACKGROUND

Jackey White, a pro se pretrial detainee, initiated a federal civil-rights action under 42 U.S.C. § 1983. The Court ordered him to pay the filing and administrative fees or file a motion for leave to proceed in forma pauperis within twenty days. He failed to pay the fees, file the motion, or request an extension of time.

PROCEDURAL HISTORY

Plaintiff filed the action on May 4, 2026. The Court ordered him to pay the \$350 filing fee and \$55 administrative fee or move to proceed in forma pauperis within twenty days, warning that noncompliance could result in dismissal. Plaintiff did neither and did not seek an extension, so the Court dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)
- AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc., 552 F.3d 1233, 1236 (10th Cir. 2009)
- Link v. Wabash R.R., 370 U.S. 626, 629-31 (1962)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF OKLAHOMA JACKEY WHITE, Plaintiff, v. Case No. 26-CV-133-JFH-JAR ADAIR COUNTY JAIL, et al., Defendants. ORDER Plaintiff Jackey White (“Plaintiff”), a pretrial detainee appearing pro se, initiated this federal civil rights action pursuant to 42 U.S.C. § 1983 on May 4, 2026. Dkt.

No. 1. That same date, the Court directed Plaintiff to pay the \$350 filing fee and \$55 administrative fee or file a motion for leave to proceed in forma pauperis within twenty (20) days.

Dkt. No. 2. The Court advised Plaintiff that failure to comply with the Court's Order may result in the dismissal of the action. *Id.* As of this date, Plaintiff has failed to pay the filing and administrative fees, file a motion for leave to proceed in forma pauperis, or seek an extension of time in which to do so.

Under Rule 41(b) of the Federal Rules of Civil Procedure, if a plaintiff "fails to prosecute or to comply with... a court order," the Court may dismiss the action. Fed. R. Civ. P. 41(b). "[T]he Rule has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir.

2003). If the dismissal is without prejudice, the Court may "enter [the] order without attention to any particular procedures." *AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1233, 1236 (10th Cir. 2009) (internal quotation marks omitted).

As outlined above, Plaintiff has failed to comply with the Court's May 4, 2026, Order. Plaintiff's failure to pay the filing and administrative fees or submit a motion for leave to proceed in forma pauperis leaves the Court unable "to achieve [an] orderly and expeditious" resolution of this action. *Link v. Wabash R.R.*, 370 U.S. 626, 629-31 (1962) (discussing the inherent power of a court to dismiss suits for lack of prosecution on its own initiative).

IT IS THEREFORE ORDERED that Plaintiff's action is DISMISSED WITHOUT PREJUDICE under Rule 41(b) of the Federal Rules of Civil Procedure. A separate judgment of dismissal shall be entered in this matter. Dated this 26th day of June, 2026. C Jeteé tL2wW JOHN F. HEIL, I
CHIEF UNITED STATES DISTRICT JUDGE