

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI

Supastar Ware v. Missouri Department of Corrections, et al.

Ware · No. 4:25-cv-00605-JMD · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of Missouri dismissed Supastar Ware’s action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with an order directing the filing of an amended complaint. The court also denied all pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri
WRITING FOR THE COURT	Joshua M. Divine
JURISDICTION	United States District Court for the Eastern District of Missouri
DECIDED	December 19, 2025
DOCKET	4:25-cv-00605-JMD
DISPOSITION	dismissed
PROCEDURAL POSTURE	After granting Plaintiff leave to proceed in forma pauperis and directing him to file an amended complaint, the court dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to comply with the court's order.
PRECEDENTIAL VALUE	Unknown; district court memorandum and order with no reporter citation or stated precedential status.

TOPICS

- [pleadings](#) [motion to amend](#) [sanctions](#) [section 1983](#) [civil procedure](#)

PRACTICE AREAS

- [Prisoner civil rights](#) [Federal civil procedure](#) [Rule 41\(b\) dismissal](#)

QUESTIONS PRESENTED

- Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to comply with the court's order requiring an amended complaint.

2. Whether Plaintiff's pending motions should be denied as moot following dismissal.

HOLDINGS

1. Dismissal without prejudice was warranted under Federal Rule of Civil Procedure 41(b) because Ware failed to file the amended complaint as ordered.
2. All pending motions were denied as moot following dismissal of the action.

KEY QUOTATIONS

“Although pro se pleadings are to be construed liberally, pro se litigants are not excused from failing to comply with substantive and procedural law.” (1)

“Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED without prejudice under Rule 41(b).” (2)

FACTUAL BACKGROUND

The court had directed Supastar Ware to file an amended complaint using the required prisoner civil-rights complaint form and warned that failure to comply would result in dismissal without prejudice. Ware did not file an amended complaint despite having ample opportunity to do so, and his subsequent motions for leave to amend did not include proposed amended complaints. The court therefore found that Ware failed to comply with its order.

PROCEDURAL HISTORY

On September 18, 2025, the court granted Ware leave to proceed in forma pauperis and ordered him to file an amended complaint on the court-provided prisoner civil-rights form within thirty days. Ware filed various motions, declarations, letters, and attachments, but did not file the required amended complaint. His later motions for leave to amend were also procedurally deficient because they did not include proposed amended complaints. The court dismissed the action without prejudice and denied all pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984)

OPINION

Ware

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

)

SUPASTAR WARE,

)) Plaintiff,)) v.) No. 4:25-cv-00605-JMD

MISSOURI DEPARTMENT OF)

CORRECTIONS, et al.,)) Defendants.)

MEMORANDUM AND ORDER

On September 18, 2025, the Court granted Ware’s motion for leave to proceed in forma pauperis and directed Ware to file an amended complaint within thirty days. ECF 16. The Court specifically instructed Ware that any amended complaint must be filed on the Court- provided Prisoner Civil Rights Complaint form and must comply with the Federal Rules of Civil Procedure. The Court further warned Ware that failure to comply would result in dismissal without prejudice. As of this date, Ware has not complied with the Court’s order. Although Ware has filed multiple motions, declarations, letters, and attachments since September 18, Ware has not filed an amended complaint. Further, Ware’s motions for leave to amend the complaint— both filed after the Court already granted leave—are procedurally deficient. ECF 19, 23. Under Local Rule 4.07, “[a] proposed amendment to a pleading or amended pleading itself must be submitted at the time any motion for leave to amend any pleading is filed.” Ware did not submit amended complaints with the motions. Ware’s self-represented status does not eliminate the obligation to follow court orders, the Federal Rules of Civil Procedure, or this Court’s Local Rules. *Burgs v. Sissel*, 745 F.2d 526, 528 (8th Cir. 1984) (“Although pro se pleadings are to be construed liberally, pro se litigants are not excused from failing to comply with substantive and procedural law.”). The Court gave Ware clear instructions and ample opportunity for compliance. Ware nevertheless failed to file an amended complaint as ordered. Accordingly, the Court finds that dismissal is warranted under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order. Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED without prejudice under Rule 41(b). IT IS FURTHER ORDERED that all pending motions are DENIED as moot. A separate Order of Dismissal accompanies this Memorandum and Order. Dated this 19th day of December, 2025.

JOSHUA M. DIVINE

UNITED STATES DISTRICT JUDGE