

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Brendan Welch and Welch Racing v. David Wright, et al.

Welch · No. 4:23CV3128 · Decided February 11, 2026

SUMMARY

The United States District Court for the District of Nebraska denies the plaintiffs' motions to file documents by fax, email, or other electronic means and denies their motion for additional time to file an amended complaint or supplement. The court sets a February 17, 2026 deadline, explains permissible filing methods, and warns that failure to comply may lead to initial review and possible summary dismissal under 28 U.S.C. § 1915(e)(2).

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Joseph F. Bataillon
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	February 11, 2026
DOCKET	4:23CV3128
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs proceeding pro se moved for permission to file documents by email, fax, or other electronic means and moved for additional time to file a supplement or amended complaint. The district court denied the motions without prejudice and continued the deadline subject to specified conditions.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

civil procedure

pleadings

motions to dismiss

PRACTICE AREAS

civil procedure

pro se litigation

pleading and complaint screening

QUESTIONS PRESENTED

1. Whether plaintiffs should be permitted to file documents by email, fax, or other electronic means outside the court's prescribed electronic filing process.

2. Whether plaintiffs established exceptional circumstances warranting another extension of the deadline to file an amended complaint or supplement.
3. Whether the court could require pro se plaintiffs to comply with the same applicable procedural and local rules as other litigants.

HOLDINGS

1. Plaintiffs were not entitled to prospective permission to file documents by email or fax because documents transmitted by those methods are not considered filed under the local rule without a court order, and plaintiffs had not complied with the prescribed CM/ECF registration process.
2. Plaintiffs' motion for another extension was denied without prejudice because the reasons offered did not demonstrate the exceptional circumstances required by the court's prior order, particularly in light of the numerous prior extensions and the prolonged failure to complete the required pleading.
3. Pro se litigants must know and comply with the applicable federal and local procedural rules and may face striking or summary denial of filings that fail to comply, particularly when the failures are not undertaken in good faith.

KEY QUOTATIONS

“A document faxed or e-mailed to the clerk or assigned judge is not considered filed without a court order.”
(Section I)

“pro se litigants have the same duties and responsibilities to know and understand legal procedures as an attorney and ‘must follow the same rules of procedure that govern other litigants.’” (Numbered order paragraph 3)

FACTUAL BACKGROUND

Plaintiffs had filed numerous amendments, supplements, and motions over approximately two and a half years but had not proceeded beyond the court's initial review of the complaint. Plaintiff Brendan Welch cited illness, financial and logistical problems, and the need to conduct additional research as reasons for another extension. Plaintiffs also sought permission to continue submitting documents by email or fax despite the court's local filing rules.

PROCEDURAL HISTORY

The action was filed on July 14, 2023. The court had repeatedly directed plaintiffs to amend or supplement their complaint, granted multiple extensions, and most recently allowed an additional 15 days to file by February 17, 2026. Before the court issued its initial screening review under 28 U.S.C. § 1915(e)(2), plaintiffs filed the motions addressed in this memorandum and order.

DISPOSITION

other

CASES CITED

- Cleveland v. Palmer, No. 2:24-CV-00511-CDS-DJA, 2024 WL 3070113, at *2 (D. Nev. June 20, 2024)
- King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987)

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