

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, EASTERN DIVISION

Kevin D. McDavis, Jr. v. Captain Unknown Price and Sgt. Unknown
Pena

McDavis v. Price · No. 4:25-cv-01556-CMS · Decided April 13, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri dismissed the action without prejudice after Plaintiff failed to file an amended complaint as ordered and failed to prosecute the case. The court relied on Federal Rule of Civil Procedure 41(b) and certified that an appeal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Eastern Division
WRITING FOR THE COURT	Cristian M. Stevens
JURISDICTION	United States District Court for the Eastern District of Missouri, Eastern Division
DECIDED	April 13, 2026
DOCKET	4:25-cv-01556-CMS
DISPOSITION	dismissed
PROCEDURAL POSTURE	On review of the file, the district court dismissed the action without prejudice after the in forma pauperis plaintiff failed to file an amended complaint as ordered and failed to prosecute the case.
PRECEDENTIAL VALUE	unpublished district court memorandum and order

TOPICS

- civil procedure
- pleadings
- civil rights
- prisoners rights

PRACTICE AREAS

- Civil procedure
- Civil rights

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action without prejudice under Federal Rule of Civil Procedure 41(b) for Plaintiff's failure to comply with a court order and failure to prosecute.

HOLDINGS

1. A district court may dismiss an action without prejudice under Federal Rule of Civil Procedure 41(b) when the plaintiff, after meaningful notice and an opportunity to comply, fails to follow a court order and fails to prosecute the case.

KEY QUOTATIONS

“by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases” (630-31)

FACTUAL BACKGROUND

After granting Plaintiff's motion to proceed in forma pauperis, the court reviewed his complaint under 28 U.S.C. § 1915 and ordered him to file an amended complaint complying with specified instructions. Plaintiff received meaningful notice, was warned that failure to comply would result in dismissal, and was given until March 27, 2026 to respond. He did not respond or request an extension.

PROCEDURAL HISTORY

The court granted Plaintiff leave to proceed in forma pauperis and, after screening the complaint under 28 U.S.C. § 1915, ordered him on February 25, 2026, to file an amended complaint on a court-provided form. Plaintiff was warned that noncompliance would result in dismissal without further notice. He neither filed the amended complaint by the March 27, 2026 deadline nor sought additional time, so the court dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)
- Brown v. Frey, 806 F.2d 801, 803 (8th Cir. 1986)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION KEVIN D. MCDAVIS, JR.,)) Plaintiff,)) v.) No. 4:25-cv-01556-CMS) CAPTAIN UNKNOWN PRICE and) SGT. UNKNOWN PENA,)) Defendants.) MEMORANDUM AND ORDER This matter is before the Court upon review of the file.

On February 25, 2026, after granting Plaintiff's motion to proceed in forma pauperis and reviewing his complaint under 28 U.S.C. § 1915, the Court ordered Plaintiff to file an amended

complaint, on a Court-provided form, in compliance with the Court's provided instructions. ECF No. 4.

The Court cautioned Plaintiff that his failure to timely comply with the Order would result in the dismissal of his case without further notice. *Id.* at 10. Plaintiff's response was due by March 27, 2026. To date, Plaintiff has neither responded to the Court's Order nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply.

The Court will therefore dismiss this action, without prejudice, due to Plaintiff's failure to comply with the Court's February 25, 2026 Order and his failure to prosecute his case. See Fed. R. Civ. P. 41(b); see also *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (stating the authority of a court to dismiss sua sponte for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir.

1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order). Accordingly, IT IS HEREBY ORDERED that this case is DISMISSED without prejudice. A separate order of dismissal will be entered herewith. IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith. Dated this 13th day of April, 2026.
/s: i | i i (ri tens CRISTIAN M. STEVENS UNITED STATES DISTRICT JUDGE