

**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

OPINION

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

PER CURIAM.

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

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