

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Charles Warren Da-Quan v. FNU LNU

Da-Quan · No. 1:25-cv-293 SMD/JMR · Decided March 19, 2026

SUMMARY

The United States District Court for the District of New Mexico dismissed Charles Warren Da-Quan's opening letter pleading without prejudice after he failed to submit a § 1983 complaint and address the filing fee requirement as directed. The dismissal was entered under Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with court orders.

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO
CHARLES WARREN DA-QUAN, Plaintiff, v. No. 1:25-cv-293 SMD/JMR FNU LNU,
Defendant. ORDER OF DISMISSAL THIS MATTER is before the Court following Plaintiff Charles Warren Da-Quan's failure to cure deficiencies as directed. Plaintiff is incarcerated and is proceeding pro se. Plaintiff initiated this case by filing a Letter Pleading Regarding Civil Rights Claims on March 21, 2025.

(Doc. 1). On the same day, the Clerk's Office mailed Plaintiff a blank § 1983 complaint and application to proceed in forma pauperis. Plaintiff did not return the forms. By an Order to Cure Deficiencies ("Cure Order") entered January 9, 2026, the Court directed Plaintiff to file a complaint on the § 1983 form, and to either prepay the \$405 civil filing fee or, alternatively, file a motion to proceed in forma pauperis within thirty days.

(Doc. 9); see also 28 U.S.C. § 1915(a)(2) (providing that all prisoner-plaintiffs who do not prepay the filing fee must file an in forma pauperis motion and a certified copy of a six-month inmate account statement).

The Order warns that the failure to timely comply with both directives may result in dismissal of this case without further notice. The deadline to file a complaint on the § 1983 form and address the civil filing fee requirement expired February 9, 2026. Plaintiff did not return the forms or otherwise comply. Instead, he filed a document titled "Objections to Cure Deficiencies." (Doc.

10). The document is mostly illegible and appears to include arguments relating to a New York state case. The Court will dismiss the opening Letter Pleading (Doc. 1) pursuant to Fed. R. Civ. P. 41(b) for "failure to prosecute [and] comply with the rules of civil procedure or court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003); see also *Sheptin v. Corr.*

Healthcare Mgmt. Contractor Co., 288 F. App'x 538, 540-41 (10th Cir. 2008) (“[D]istrict court did not abuse its discretion by dismissing [Plaintiffs] action without prejudice based upon his failure to comply with” § 1915(a).”); Gonzales v. Bernalillo Cnty. Dist. Ct., 640 F. App'x 759, 762 (10th Cir. 2016) (same). It is therefore ordered that Plaintiff Charles Warren Da-Quan’s opening Letter Pleading (Doc.

1) is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(b). The Court will enter a separate judgment closing this civil case. UNITED STATES DISTRICT JUDGE