

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Robert Wileman v. State

Wileman · No. CIV-26-608-SLP · Decided April 30, 2026

SUMMARY

A United States Magistrate Judge recommends dismissing Robert Wileman’s habeas action without prejudice because he failed to comply with an order requiring amended filings and did not request an extension or show good cause. The Report and Recommendation explains that dismissal is authorized under Federal Rule of Civil Procedure 41(b) and advises Petitioner of his right to object.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	April 30, 2026
DOCKET	CIV-26-608-SLP
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a purported petition for a writ of habeas corpus under 28 U.S.C. § 2254 and an application to proceed in forma pauperis. After the court ordered him to file comprehensible amended documents, he filed an unidentified and unintelligible document that was stricken and did not otherwise comply. The magistrate judge recommends dismissal without prejudice for failure to comply with the court's order and rules.
STANDARD OF REVIEW	A court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when a litigant fails to prosecute or comply with the Federal Rules of Civil Procedure or a court order.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert Wileman, Petitioner v. State, Respondent

TOPICS

- federal habeas corpus
- post-conviction relief
- sanctions
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Petitioner failed to comply with the court's order requiring an amended habeas petition and amended in forma pauperis application.
2. Whether a pro se litigant is exempt from complying with the Federal Rules of Civil Procedure and court orders.

HOLDINGS

1. A court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when a litigant fails to prosecute or comply with the Federal Rules of Civil Procedure or a court order.
2. Dismissal without prejudice is warranted because Petitioner failed to comply with the order requiring amended filings, did not show good cause, and did not request an extension of time.

KEY QUOTATIONS

“A court has the inherent authority to manage its own affairs and may dismiss an action if a litigant “fails to prosecute or to comply with [the rules of civil procedure] or a court order,” Fed. R. Civ. P. 41(b).”

(Discussion section)

“And Petitioner’s pro se status does not exempt him from “follow[ing] the same rules of procedure that govern other litigants.”” (Discussion section)

“For the foregoing reasons, the undersigned recommends that the Court DISMISS this action without prejudice.” (Recommendation section)

FACTUAL BACKGROUND

Robert Wileman filed a purported § 2254 habeas petition and an application to proceed in forma pauperis, but neither document was comprehensible. After the court ordered him to file complete amended documents using English words and appropriate numbers and to sign only his name, he filed an unidentified and unintelligible document that did not comply with the order. He did not file the required amended petition or application, seek an extension, or show good cause for noncompliance.

PROCEDURAL HISTORY

The court determined that the original petition and in forma pauperis application were incomprehensible and ordered Petitioner to file complete, properly completed, and signed amended documents by April 21, 2026. Petitioner filed an unintelligible document that did not comply, which the court struck and sealed because it contained potentially sensitive information. He neither filed the required amended documents nor showed good cause or requested additional time. The magistrate judge issued this Report and Recommendation, advising that the action be dismissed without prejudice and giving Petitioner until May 21, 2026, to object.

DISPOSITION

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)
- Nielsen v. Price, 17 F.3d 1276, 1277 (10th Cir. 1994)
- U.S. ex rel. Jimenez v. Health Net, Inc., 400 F.3d 853, 855 (10th Cir. 2005)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF OKLAHOMA ROBERT WILEMAN,)) Petitioner,)) v.) Case No. CIV-26-608-SLP) STATE,)) Respondent.) REPORT AND RECOMMENDATION Petitioner Robert Wileman, proceeding pro se, filed what purports to be a Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254 (“Petition”). Doc. 1. Petitioner also filed what purports to be an Application for Leave to Proceed in Forma Pauperis (“Application”).

Doc. 2. United States Chief District Judge Scott L. Palk referred this matter to the undersigned Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1)(B)- (C). For the reasons set forth below, the undersigned recommends that the Court dismiss the action without prejudice due to Petitioner’s failure to follow the Court’s order and rules.

I. Background and Discussion As neither the Petition nor the Application is comprehensible, on March 31, 2026, the Court explained to Petitioner that he needed to file an amended petition and amended application. Doc. 5 at 1-2.

The Court additionally instructed that the amended petition and amended application must be: • completed in their entirety; • completed using English words and only using numbers when appropriate; and • signed by Petitioner using only his name. Petitioner should not include on the forms irrelevant or extraneous words, symbols, drawings, or other writing. Petitioner should not submit with the forms irrelevant or extraneous information or documents.

Id. at 1. The Court ordered Petitioner to cure the deficiencies not later than April 21, 2026, and warned that “failure to cure these deficiencies will likely result in dismissal of this action.” Id. at 3 (citation modified).

On April 13, 2026, Petitioner filed an unidentified and unintelligible document that did not comport with the Court’s prior instructions. Doc. 6. It was unclear if Petitioner intended this document to act as an amended petition or motion.

Because the Court does not consider unidentified documents like this as pleadings or motions, the Court struck the document. Doc. 7 at 1 (citing Fed. R. Civ. P. 7; LCvR7.1). Additionally, given the

potentially sensitive information referenced in the document, the Court sealed the filing. *Id.* at 2. Petitioner has not otherwise attempted to comply with the order to cure as, of this date, he has not (1) filed an amended petition or (2) filed an amended application to proceed in forma pauperis.

Nor has he attempted to show good cause for his failure to comply or requested an extension of time in which to comply. A court has the inherent authority to manage its own affairs and may dismiss an action if a litigant “fails to prosecute or to comply with [the rules of civil procedure] or a court order,” Fed. R. Civ. P. 41(b). See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (interpreting Rule 41(b) to permit courts to dismiss actions sua sponte).

A litigant’s failure to comply with court orders leaves a court unable “to achieve the orderly and expeditious disposition of cases.” *Jd.* And Petitioner’s pro se status does not exempt him from “follow[ing] the same rules of procedure that govern other litigants.” *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994) (citation modified). Petitioner’s failure to comply with the Court’s order and rules, combined with the Court’s inherent power to manage judicial resources, warrants dismissal of this action without prejudice.

See *U.S. ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) (“Dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules.” (citation modified)). IL. Recommendation and Notice of Right to Object For the foregoing reasons, the undersigned recommends that the Court DISMISS this action without prejudice.

Petitioner is advised of his right to object to this Report and Recommendation. See 28 U.S.C. § 636. Any objection must be filed with the Clerk of Court not later than May 21, 2026. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Failure to object timely waives the right to appellate review of the factual and legal issues addressed in this Report and Recommendation.

See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in this matter. ENTERED this 30th day of April, 2026. UNITED STATES MAGISTRATE JUDGE