

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Ruth Amo v. John Tenny

Amo v. Tenny · No. 25-13394 · Decided January 6, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan dismissed Ruth Amo’s pro se habeas corpus petition under 28 U.S.C. § 2254 without prejudice after she failed to pay the filing fee or correct an incomplete in forma pauperis application as ordered. The court closed the case, denied a certificate of appealability, and stated that any new habeas action would require filing a new case with the fee or a completed in forma pauperis application.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Shalina D. Kumar
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	January 6, 2026
DOCKET	25-13394
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 without paying the filing fee and submitted an incomplete application to proceed in forma pauperis. After petitioner failed to comply with an order requiring payment of the fee or correction of the deficiency, the court dismissed the petition without prejudice for failure to prosecute and denied a certificate of appealability.
STANDARD OF REVIEW	The court applied the authority to dismiss sua sponte for failure to prosecute or failure to comply with court rules or orders. For the certificate of appealability, the court applied the standard requiring a substantial showing of the denial of a constitutional right and, for a procedural ruling, whether reasonable jurists could debate both the constitutional claim and the procedural ruling.

PRECEDENTIAL VALUE	Unknown; an unpublished district court opinion and order of dismissal.
PARTIES	Ruth Amo v. John Tenny

TOPICS

federal habeas corpus post-conviction relief default appellate procedure standard of review

PRACTICE AREAS

Federal habeas corpus Civil procedure Appellate procedure

QUESTIONS PRESENTED

1. Whether the court could dismiss the habeas petition without prejudice for failure to prosecute and failure to comply with the court's deficiency order.
2. Whether a certificate of appealability should issue from the procedural dismissal.

HOLDINGS

1. A federal district court may sua sponte dismiss a habeas action without prejudice when the petitioner fails to pay the filing fee or cure an incomplete in forma pauperis application after being ordered to do so.
2. A certificate of appealability should not issue because reasonable jurists would not debate the correctness of the court's procedural dismissal.

KEY QUOTATIONS

"Because Amo has not corrected the deficiency and has not complied with the Court's order, this case is subject to dismissal for want of prosecution." (2)

"Accordingly, the Court DISMISSES WITHOUT PREJUDICE the habeas petition." (2)

"Reasonable jurists would not debate the correctness of the Court's procedural ruling." (3)

FACTUAL BACKGROUND

Ruth Amo filed a pro se petition for federal habeas relief under 28 U.S.C. § 2254. She did not pay the filing fee and submitted an incomplete application to proceed in forma pauperis. After receiving a deficiency order requiring payment or correction by a specified deadline, she took neither action.

PROCEDURAL HISTORY

Amo filed a federal habeas petition and an incomplete in forma pauperis application. The court issued a deficiency order requiring her to pay the filing fee or correct the application by November 28, 2025, warning that failure to do so would result in dismissal. Amo did not comply, so the court dismissed the case without prejudice and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Mulbah v. Detroit Bd. of Ed., 261 F.3d 586, 589 (6th Cir. 2001)
- Link v. Wabash R.R. Co., 370 U.S. 626 (1962)
- Gravitt v. Tyszkiewicz, 14 F. App'x 348, 349 (6th Cir. 2001)
- Smith v. Michigan Dep't of Corr., No. 14-14790, 2015 WL 4620605, at *1-2 (E.D. Mich. July 31, 2015)
- Slack v. McDaniel, 529 U.S. 473, 484-485 (2000)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION RUTH AMO, Petitioner, Case No. 25-13394 Honorable Shalina D. Kumar v. Magistrate Anthony P. Patti JOHN TENNY, Respondent. OPINION AND ORDER OF DISMISSAL Before the Court is Ruth Amo's pro se petition for a writ of habeas corpus brought pursuant to 28 U.S.C. ' 2254. ECF No. 1. Amo did not pay the filing fee for this case when she filed her petition, but instead submitted an application to proceed in forma pauperis.

Her application, however, was incomplete. See 28 U.S.C. ' 1914(a); 28 U.S.C. ' 1915; Rule 3 of the Rules Governing ' 2254 Cases. Consequently, the Court issued a deficiency order on November 6, 2025 requiring her to either pay the filing fee or correct the deficiency by November 28, 2025. ECF No. 4.

The order provided that if she did not do so, the case would be dismissed. *Id.* The time for submitting the filing fee or required information has elapsed and Amo has not corrected the deficiency. Federal Rule of Civil Procedure 41(b) authorizes a federal court to dismiss a case based upon the "failure of the plaintiff to prosecute or to comply with these rules or any order of the court...." Fed.

R. Civ. P. 41(b). Rule 41.2 of the Local Rules of the Eastern District of Michigan authorizes the court to dismiss a case "when it appears that...the parties have taken no action for a reasonable time." E.D. Mich. LR 41.2.

The Court may sua sponte dismiss a civil action for failure to prosecute pursuant to those rules. See *Mulbah v. Detroit Bd. of Ed.*, 261 F.3d 586, 589 (6th Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962)); see also *Gravitt v. Tyszkiewicz*, 14 F. App'x 348, 349 (6th Cir. 2001) (affirming dismissal of habeas petition for want of prosecution and failure to comply with court order to cure filing deficiency); *Smith v. Michigan Dep't of Corr.*, No. 14-14790, 2015 WL 4620605, *1-2 (E.D.

Mich. July 31, 2015) (dismissing habeas petition under Rule 41(b) for failure to pay filing fee or submit IFP application). Because Amo has not corrected the deficiency and has not complied with the Court's order, this case is subject to dismissal for want of prosecution.

Accordingly, the Court DISMISSES WITHOUT PREJUDICE the habeas petition. This case is closed. No further pleadings should be filed in this matter. Should Amo wish to seek federal habeas relief, she must file a 2 new habeas case with payment of the filing fee or a completed in forma pauperis application. This case will not be reopened.

Before Amo may appeal, a certificate of appealability ("COA") must issue. See 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). A COA may issue only if the petitioner makes "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When a court denies relief on procedural grounds, a COA should issue if it is shown that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the court's procedural ruling is correct.

Slack v. McDaniel, 529 U.S. 473, 484-485 (2000). Reasonable jurists would not debate the correctness of the Court's procedural ruling. Accordingly, the Court denies a COA. IT IS SO ORDERED. s/Shalina D. Kumar SHALINA D. KUMAR United States District Judge Dated: January 6, 2026 3