

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PRECEDENTIAL VALUE	Unknown; an unpublished district court opinion and order of dismissal.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)

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