

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI

Dustin M. Baker v. State of Missouri, et al.

Baker · No. 2:26-cv-00020-JMD · Decided April 7, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri denies without prejudice all pending motions in Dustin M. Baker’s prisoner civil rights action. The court denies in forma pauperis status because Baker did not provide a certified inmate account statement, strikes Brandi M. Rhodes as a plaintiff because she did not sign the complaint, denies appointment of counsel, and denies mandamus and injunctive relief. Baker is ordered to pay the filing fee or submit a renewed in forma pauperis motion with a certified account statement by April 21, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri
WRITING FOR THE COURT	Joshua M. Divine
JURISDICTION	United States District Court for the Eastern District of Missouri
DECIDED	April 7, 2026
DOCKET	2:26-cv-00020-JMD
DISPOSITION	other
PROCEDURAL POSTURE	At the outset of a prisoner civil-rights action under 42 U.S.C. § 1983, the court considered the plaintiff’s motion to proceed in forma pauperis, motion for appointment of counsel, and motion for a writ of mandamus or, alternatively, injunctive relief.
STANDARD OF REVIEW	For preliminary injunctive relief, the court applied the Dataphase factors: likelihood of irreparable harm, balance of harms, probability of success on the merits, and the public interest. The court evaluated the in forma pauperis request under 28 U.S.C. § 1915 and the pleading-signature and representation issues under Federal Rule of Civil Procedure 11(a) and 28 U.S.C. § 1654.
PRECEDENTIAL VALUE	unpublished
PARTIES	Dustin M. Baker v. State of Missouri, et al.

TOPICS

civil procedure

section 1983

prisoners rights

injunctions

personal jurisdiction

PRACTICE AREAS

civil procedure

prisoner civil rights

injunctive relief

federal jurisdiction

QUESTIONS PRESENTED

1. Whether Baker qualified to proceed in forma pauperis without filing a certified inmate account statement.
2. Whether Brandi M. Rhodes could remain a co-plaintiff when she did not sign the complaint and Baker could not represent her.
3. Whether appointment of counsel was warranted in the civil action at its early stage.
4. Whether the court had mandamus jurisdiction to compel state or county officials to act.
5. Whether Baker was entitled to a temporary restraining order or preliminary injunction based on alleged denial of legal materials, notary services, and medical care.

HOLDINGS

1. A prisoner seeking to proceed in forma pauperis must provide the required certified inmate account statement, and the court denied Baker's motion without prejudice because he had not supplied it.
2. Rhodes could not remain a plaintiff because she did not sign the complaint, and Baker could not represent her in federal court.
3. Appointment of counsel was not warranted at that stage of the civil action, and the motion was denied without prejudice.
4. The federal district court lacked jurisdiction under the federal mandamus statute to compel state or county officials to perform their duties.
5. Baker was not entitled to a temporary restraining order or preliminary injunction because he had not shown certain, great, and imminent irreparable harm or a sufficient likelihood of success on the merits; the request was denied without prejudice.

KEY QUOTATIONS

“Furthermore, while a non-attorney may appear on his own behalf, he may not represent others in federal court.” (at 2)

“This Court lacks jurisdiction to issue a writ of mandamus to compel state or county officials to perform their duties.” (at 3)

“Accordingly, IT IS HEREBY ORDERED that all pending motions are DENIED without prejudice.” (at 4)

FACTUAL BACKGROUND

Dustin M. Baker, a self-represented pretrial detainee at the Pike County Jail, filed a § 1983 complaint against Missouri governmental entities and officials. He sought in forma pauperis status but did not provide the required certified six-month inmate account statement, asserting that jail officials would not provide it. Baker also sought appointment of counsel and an order compelling Pike County officials to provide legal materials, notary services, and medical accommodations. The complaint listed Brandi M. Rhodes as a co-plaintiff, but she did not sign it.

PROCEDURAL HISTORY

Baker filed a Prisoner Civil Rights Complaint and related motions on February 27, 2026. Before service or initial review of the complaint, the court denied all pending motions without prejudice, struck Brandi M. Rhodes as a plaintiff because she did not sign the complaint and Baker could not represent her, and ordered Baker either to pay the filing fee or submit a renewed in forma pauperis motion with a certified inmate account statement. The court warned that failure to comply could result in dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Hobson v. Schmitt, No. 4:23-cv-00781-SRC, 2023 WL 4234550, at *3 (E.D. Mo. June 28, 2023)
- Ward v. Smith, 721 F.3d 940, 942 (8th Cir. 2013) (per curiam)
- Stevens v. Redwing, 146 F.3d 538, 546 (8th Cir. 1998)
- Patterson v. Kelley, 902 F.3d 845, 850 (8th Cir. 2018)
- Johnson v. Williams, 788 F.2d 1319, 1322 (8th Cir. 1986)
- Dataphase Sys., Inc. v. C L Sys., Inc., 640 F.2d 109, 113 (8th Cir. 1981)
- Roudachevski v. All-American Care Centers, Inc., 648 F.3d 701, 706 (8th Cir. 2011)
- Mod. Computer Sys., Inc. v. Mod. Banking Sys., Inc., 871 F.2d 734, 738 (8th Cir. 1989) (en banc)

OPINION

Baker
PER CURIAM.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
)
DUSTIN M. BAKER,
)) Plaintiff,)) v.) No. 2:26-cv-00020-JMD STATE OF MISSOURI, et al.,))) Defendants.))
MEMORANDUM AND ORDER
On February 27, 2026, Dustin M. Baker, a self-represented pretrial detainee at the Pike County Jail, filed a Prisoner Civil Rights Complaint under 42 U.S.C. § 1983 against the State of Missouri, Pike County, “St. Louis County of St. Charles,” Ralls County, the Missouri Department of

Revenue, and several Pike County and state officials. ECF 1. He seeks leave to proceed in forma pauperis, ECF 2, and the appointment of counsel, ECF 3. Baker also moves for a writ of mandamus compelling Pike County officials to provide him with legal materials and medical accommodations. ECF 5. Before this case proceeds, the Court must address several defects in Baker's filings.

I. Filing Fee Congress mandates that federal courts collect a filing fee from a party instituting any civil action, suit, or proceeding. 28 U.S.C. § 1914. Courts may waive prepayment of this fee for individuals who demonstrate an inability to pay. 28 U.S.C. § 1915(a)(1). When a court grants such a waiver, the plaintiff may proceed in forma pauperis. To obtain in forma pauperis status, a prisoner litigant must file an affidavit demonstrating the inability to pay. 28 U.S.C. § 1915(a)(1). In addition to the standard in 1 forma pauperis affidavit, a prisoner must provide a certified copy of his inmate account statement for the "6-month period immediately preceding the filing of the complaint." 28 U.S.C. § 1915(a)(2). Baker did not provide a certified copy of his inmate account statement. He states in a separate declaration that jail officials refuse to provide a copy of his account statement and instead direct him to a kiosk to view his transaction history electronically. ECF 6. Even so, when a plaintiff provides an incomplete financial picture, it paralyzes the Court's ability to properly determine the plaintiff's in forma pauperis status. See *Hobson v. Schmitt*, No. 4:23- cv-00781-SRC, 2023 WL 4234550, at *3 (E.D. Mo. June 28, 2023). Accordingly, the Court denies Baker's motion for leave to proceed in forma pauperis without prejudice. Baker must, no later than [DATE], either (i) pay the full \$405 filing fee, or (ii) file a renewed in forma pauperis motion on the enclosed form with a certified inmate account statement. To assist Baker in obtaining the required statement, the Court will direct the Clerk of Court to mail Baker two copies of this order.

II. Plaintiff Brandi M. Rhodes The complaint names Brandi M. Rhodes as a co-plaintiff. ECF 1. However, Rhodes did not sign the complaint. *Id.* Under Federal Rules of Civil Procedure 11(a), "[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented." Furthermore, while a non-attorney may appear on his own behalf, he may not represent others in federal court. See 28 U.S.C. § 1654. 2 Because Rhodes did not sign the complaint, and because Baker cannot represent her, the Court strikes Brandi M. Rhodes as a plaintiff in this action. If Rhodes wishes to pursue her own claims, she must file a separate civil action.

III. Motion for Appointment of Counsel Baker also moves for appointment of counsel. ECF 3. In civil cases, a self-represented litigant does not have a "constitutional or statutory right to appointed counsel." *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013) (per curiam) (citation omitted); see also *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) ("A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." (citation omitted)). Rather, a district court may appoint counsel "if convinced that an indigent plaintiff has stated a non- frivolous claim," *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018) (citation omitted), "and where 'the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel,'" *id.* (quoting *Johnson v. Williams*, 788 F.2d 1319, 1322 (8th Cir. 1986)).

The Court finds that appointment of counsel is not warranted at this time. Neither the factual nor legal issues in this case appear complex. Further, at this early stage, the Court cannot yet determine whether the litigation would benefit from the assistance of counsel. Therefore, the Court denies Baker's motion for appointment of counsel without prejudice. IV. Motion for Writ of Mandamus Lastly, Baker filed a motion for writ of mandamus seeking an order compelling Pike County officials to provide him with legal materials and medical accommodations. ECF 5. This Court lacks jurisdiction to issue a writ of mandamus to compel state or county officials to perform their duties. See 28 U.S.C. § 1361 (granting district courts original jurisdiction over mandamus actions involving only "an officer or employee of the United States or any agency thereof[.]"). To the extent Baker seeks a temporary restraining order or preliminary injunction, the Court denies the request without prejudice. In determining whether to grant such relief, the Court considers: (1) the threat of irreparable harm to the movant; (2) the state of balance between this harm and the injury that granting the injunction will inflict on other parties; (3) the probability that the movant will succeed on the merits; and (4) the public interest. See *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981). Baker has not established a threat of irreparable harm. His motion asserts, in general terms, that Pike County officials have denied him access to legal materials, a notary, and adequate medical care. However, Baker has not demonstrated that these alleged deprivations will cause harm that is certain, great, and imminent. See *Roudachevski v. All- American Care Centers, Inc.*, 648 F.3d 701, 706 (8th Cir. 2011). Moreover, Baker has not made a sufficient showing of likelihood of success on the merits at this stage, as this case has not yet been served on any defendant and remains subject to initial review. See *Mod. Computer Sys., Inc. v. Mod. Banking Sys., Inc.*, 871 F.2d 734, 738 (8th Cir. 1989) (en banc). The remaining factors—the balance of harms and the public interest—do not independently weigh in Baker's favor on the present record. The Court therefore denies Baker's request for injunctive relief without prejudice. Accordingly, IT IS HEREBY ORDERED that all pending motions are DENIED without prejudice. ECF 2, 3, 5. 4 IT IS FURTHER ORDERED that Baker must, no later than April 21, 2026, either (i) pay the full \$405 filing fee, or (ii) file a renewed in forma pauperis motion on the enclosed form with a certified inmate account statement. IT IS FURTHER ORDERED that the Clerk of Court shall mail to Baker a copy of the Court's standard application to proceed in district court without prepaying fees or costs. IT IS FURTHER ORDERED that the Clerk of Court shall mail Baker two copies of this order. Baker's failure to comply with this order may result in the dismissal of this action without prejudice and without further notice. Dated this 7th day of April, 2026

JOSHUA M. DEVINE
UNITED STATES DISTRICT JUDGE