

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, WESTERN DIVISION

Nuriddin Toshboltaev v. Judge James R. Knepp II, ICE

Toshboltaev · No. 4:26 CV 222 · Decided April 13, 2026

SUMMARY

The United States District Court for the Northern District of Ohio dismissed Nuriddin Toshboltaev’s 28 U.S.C. § 2241 habeas petition without prejudice for failure to prosecute. The court found that the petitioner failed to cure a filing-fee deficiency, respond to the court’s order, or provide an updated address after mailings were returned as undeliverable, and certified that an appeal could not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Western Division
WRITING FOR THE COURT	James R. Knepp II
JURISDICTION	United States District Court for the Northern District of Ohio, Western Division
DECIDED	April 13, 2026
DOCKET	4:26 CV 222
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 dismissed without prejudice for failure to prosecute after petitioner failed to pay the filing fee or submit a proper application to proceed in forma pauperis, failed to comply with a deficiency order, and failed to provide an updated address.
STANDARD OF REVIEW	Abuse-of-discretion principles governing dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b).
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Nuriddin Toshboltaev v. Judge James R. Knepp II, ICE

TOPICS

- federal habeas corpus
- civil procedure
- immigration

PRACTICE AREAS

federal habeas corpus

immigration law

civil procedure

QUESTIONS PRESENTED

1. Whether the court could dismiss the § 2241 petition without prejudice for failure to prosecute after petitioner failed to comply with a deficiency order.
2. Whether petitioner's failure to update his address after the court's order was returned undeliverable further supported dismissal for failure to prosecute.
3. Whether an appeal from the dismissal could be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3).

HOLDINGS

1. A pro se habeas petitioner's failure to comply with a readily understood deficiency order requiring payment of the filing fee or submission of a proper in forma pauperis application, after being warned that noncompliance could result in dismissal, supports dismissal without prejudice for failure to prosecute.
2. A pro se litigant has an affirmative duty to notify the court of a change of address, and failure to do so after court mail is returned as undeliverable constitutes an additional basis for dismissal for failure to prosecute.
3. An appeal from the dismissal could not be taken in good faith under 28 U.S.C. § 1915(a)(3).

KEY QUOTATIONS

"Therefore, where a pro se petitioner fails to comply with a district court's deficiency order, his or her case is subject to dismissal without prejudice for want of prosecution."

"Although the docket indicates the mailing was returned as undeliverable, Petitioner's failure to provide the Court with an updated address, itself, constitutes a failure to prosecute."

FACTUAL BACKGROUND

Toshboltaev filed a federal habeas petition but did not pay the filing fee or submit a complete application to proceed in forma pauperis. The court sent a deficiency order providing specific instructions, a blank application, and 30 days to comply, while warning that failure to do so could result in dismissal. The order was returned as undeliverable twice, and Toshboltaev did not notify the court of a current address or otherwise respond to the deficiency.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition on January 28, 2026, without paying the filing fee or submitting a complete in forma pauperis application. The court ordered him to pay the \$5.00 fee or cure the deficiency within 30 days and warned that noncompliance could result in dismissal. The order was returned as undeliverable, and petitioner neither cured the deficiency, sought additional time, explained his noncompliance, nor updated his

address. The court dismissed the action without prejudice and certified that an appeal could not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Haines v. Kerner, 404 U.S. 519, 520 (1972)
- Jourdan v. Jabe, 951 F.2d 108, 110 (6th Cir. 1991)
- Needham v. Butler Cnty. Jail, 2019 WL 5899326, at *4 (S.D. Ohio)
- Needham v. Butler Cnty. Jail, 2019 WL 6682155 (S.D. Ohio)
- Erby v. Kula, 113 F. App'x 74, 76 (6th Cir. 2004)
- Davis v. United States, 73 F. App'x 804, 805 (6th Cir. 2003)
- Gravitt v. Tyszkiewicz, 14 F. App'x 348, 349 (6th Cir. 2001)
- Barber v. Runyon, 1994 WL 163765, at *1 (6th Cir.)
- Washington v. Ohio, 2024 WL 4664709, at *2 (N.D. Ohio)
- Walker v. Cognis Oleo Chem., LLC, 2010 WL 717275, at *1 (S.D. Ohio)
- Mann v. Heartland Behav. Healthcare, 2025 WL 3693586, at *1 (N.D. Ohio)
- Mann v. Heartland Behav. Healthcare, 2026 WL 49926 (N.D. Ohio)
- White v. City of Grand Rapids, 34 F. App'x 210, 211 (6th Cir. 2002)

OPINION

Toshboltaev

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

WESTERN DIVISION

NURIDDIN TOSHBOLTAEV, CASE NO. 4:26 CV 222

Petitioner,

v. JUDGE JAMES R. KNEPP II

ICE,

Respondent. ORDER OF DISMISSAL On January 28, 2026, pro se petitioner Nuriddin Toshboltaev filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (Doc. 1). At the time of filing, Petitioner failed to pay the filing fee or submit a complete and proper application to proceed in forma pauperis. On February 27, 2026, the Court ordered Petitioner to pay the filing fee of \$5.00 or file a proper application within 30 days of the Order. (Doc. 5) ("Deficiency Order"). The Court's Order included a form in forma pauperis application with

instructions for filing. The Deficiency Order expressly cautioned Petitioner that failure to comply may result in dismissal of the action without further notice. *Id.* The Deficiency Order was mailed to Petitioner's address of record. However, on March 10, 2026, and again on March 17, 2026, the mailing was returned stamped "Return to Sender, Not Deliverable as Addressed, Unable to Forward." See Docs. 6, 7. Pro se pleadings are held to less stringent standards than pleadings drafted by lawyers. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). The latitude afforded pro se litigants, however, does not extend to compliance with readily understood orders and deadlines. See *Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991) (stating Rule 41(b) dismissal is appropriate when a pro se plaintiff fails to comply with "readily comprehended court deadlines of which he was well-aware"); see also *Needham v. Butler Cnty. Jail*, 2019 WL 5899326, at *4 (S.D. Ohio) (cautioning plaintiff that his "pro se status and professed health conditions do not relieve him of his obligation to fully comply with" court orders and rules of civil procedure), report and recommendation adopted, 2019 WL 6682155. Therefore, where a pro se petitioner fails to comply with a district court's deficiency order, his or her case is subject to dismissal without prejudice for want of prosecution. *Erby v. Kula*, 113 F. App'x 74, 76 (6th Cir. 2004) (finding dismissal of a § 1983 action for failure to comply with the court's deficiency order was not an abuse of discretion where the order identified the required documentation to proceed in forma pauperis and warned that failure to comply with the order could result in dismissal); *Davis v. United States*, 73 F. App'x 804, 805 (6th Cir. 2003) (affirming the dismissal of prisoner civil action for want of prosecution for failure to comply with deficiency order notifying plaintiff of the required documents and granting him 30 days to comply); *Gravitt v. Tyszkiewicz*, 14 F. App'x 348, 349 (6th Cir. 2001) (affirming the district court's dismissal of a habeas corpus petition without prejudice for want of prosecution because the petitioner failed to comply with a deficiency order). Moreover, Petitioner has an affirmative duty to advise the court of any change of address. *Barber v. Runyon*, 1994 WL 163765, at *1 (6th Cir.) ("If [pro se plaintiff's] address changed, [he] had an affirmative duty to supply the court with notice of any and all changes in [his] address."); *Washington v. Ohio*, 2024 WL 4664709, at *2 (N.D. Ohio) ("Pro se litigants have the same obligation as an attorney to notify the court of a change of address."). And by "failing to keep the Court apprised of his current address, [a pro se litigant] demonstrates a lack of prosecution of his action." *Walker v. Cognis Oleo Chem., LLC*, 2010 WL 717275, at *1 (S.D. Ohio) (citing, *inter alia*, *Barber*, 1994 WL 163765); see also *Mann v. Heartland Behav. Healthcare*, 2025 WL 3693586, at *1 (N.D. Ohio) (noting that "petitioner has an affirmative duty to notify the Court of any change in his address and his failure to do so further justifies dismissal"), report and recommendation adopted 2026 WL 49926. Here, the Court notified Petitioner of the filing fee deficiency, provided specific instructions to cure the deficiency, attached a blank application to proceed in forma pauperis, granted Petitioner 30 days to correct the deficiency, and warned that failure to comply could result in dismissal of this action without further notice. A copy of the Deficiency Order was mailed to Petitioner at his address of record. Although the docket indicates the mailing was returned as

undeliverable, Petitioner's failure to provide the Court with an updated address, itself, constitutes a failure to prosecute. Petitioner's failure to fulfill such an important yet basic task indicates a disregard for the proceedings Petitioner initiated. More than 30 days have passed. To date, Petitioner has not addressed the filing fee deficiency, sought an extension of time to do so, or provided the Court with any explanation as to why he could not comply. Nor has Petitioner provided the Court with an updated address. Accordingly, the Court dismisses the action without prejudice for failure to prosecute. See *White v. City of Grand Rapids*, 34 F. App'x 210, 211 (6th Cir. 2002) (affirming the district court's dismissal without prejudice for want of prosecution where pro se plaintiff was ordered to pay filing fee and warned that failure to comply may result in dismissal, but order was returned to the court bearing the notation "Paroled" and plaintiff failed to apprise the court of his current address). Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith. IT IS SO ORDERED. s/ James R. Knepp II

UNITED STATES DISTRICT JUDGE

Dated: April 13, 2026