

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PRECEDENTIAL VALUE	unpublished district court order; nonprecedential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)