

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Christopher Eugene Sims v. State of Oklahoma

Sims · No. CIV-25-1404-HE · Decided December 22, 2025

SUMMARY

A magistrate judge recommends dismissing Christopher Eugene Sims’s habeas action without prejudice because he failed to pay the filing fee or submit an in forma pauperis motion, use the required form, and properly sign the initiating document. The recommendation relies on Federal Rule of Civil Procedure 41(b) and the court’s inherent authority to dismiss for failure to prosecute or comply with court orders. The petitioner was advised of the right to object by January 12, 2026.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Amanda L. Maxfield
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	December 22, 2025
DOCKET	CIV-25-1404-HE
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation in a 28 U.S.C. § 2254 habeas action recommending dismissal without prejudice for failure to pay the filing fee or seek in forma pauperis status, use the required form, sign the initiating document, and comply with an order to cure deficiencies.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 41(b) and the court's inherent authority to dismiss for failure to prosecute or failure to comply with court rules or orders.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Christopher Eugene Sims v. State of Oklahoma

TOPICS

- federal habeas corpus
- post-conviction relief
- sanctions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should dismiss the habeas action without prejudice because Petitioner failed to cure identified filing deficiencies and failed to comply with a court order.
2. Whether dismissal without prejudice for failure to prosecute or comply with a court order required any particular additional procedures.

HOLDINGS

1. The court recommended dismissal without prejudice because Petitioner failed to pay the filing fee or seek in forma pauperis status, failed to submit the required form and signature, and failed to comply with the order directing him to cure those deficiencies.

KEY QUOTATIONS

“Failure to comply with this Order may result in the dismissal of this action.”

FACTUAL BACKGROUND

Petitioner submitted two orders from the District Court of Cotton County, Oklahoma, along with a letter, and the matter was treated as a petition under 28 U.S.C. § 2254. The court advised Petitioner that he had not paid the filing fee or submitted an in forma pauperis motion, had not used the proper initiating form, and had not properly signed the filing. Although ordered to cure those deficiencies by December 16, 2025, and warned that noncompliance could result in dismissal, Petitioner did not do so.

PROCEDURAL HISTORY

The Northern District of Oklahoma received Petitioner's filings, opened the matter as a habeas action, and transferred it to the Western District of Oklahoma. Magistrate Judge Amanda L. Maxfield, following referral by District Judge Joe Heaton, ordered Petitioner to cure filing deficiencies by December 16, 2025. After Petitioner failed to comply, the magistrate judge issued this Report and Recommendation recommending dismissal without prejudice and advising Petitioner of the right to object.

DISPOSITION

other

CASES CITED

- Huggins v. Supreme Court of the U.S., 480 F. App'x 915, 916-17 (10th Cir. 2012)
- AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc., 552 F.3d 1233, 1236 (10th Cir. 2009)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629-31 (1962)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

OPINION

Christopher Eugene Sims v. State of Oklahoma

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR THE

WESTERN DISTRICT OF OKLAHOMA

CHRISTOPHER EUGENE SIMS,)

) Petitioner,)) v.) Case No. CIV-25-1404-HE)

STATE OF OKLAHOMA,)

) Respondent(s).)

REPORT AND RECOMMENDATION

On November 21, 2025, the United States District Court for the Northern District of Oklahoma filed documents from Petitioner consisting of two orders entered by the District Court of Cotton County, State of Oklahoma. (Doc. 1). That court opened the matter as a habeas action under 28 U.S.C. § 2254 and transferred the matter to this Court. (Doc. 2). Petitioner also submitted a letter to the Northern District of Oklahoma, which has been filed in this matter. (Doc. 6). United States District Judge Joe Heaton referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B), (C). (Doc. 5). Based on Petitioner's failure to comply with the Court's order to cure deficiencies, the undersigned recommends that this case be dismissed without prejudice to re-filing. I. Discussion After an initial review of Petitioner's filings, the undersigned advised Petitioner that he had neither paid the \$5.00 filing fee nor filed an in forma pauperis motion (motion to proceed without prepayment of fees or costs). (Doc. 7, at 1). Next, the undersigned advised that the initiating document is not on the proper form and does not supply the Court with equivalent information required by the form. (Id.) Further, the undersigned noted that Petitioner's initiating document was not properly signed by Petitioner. (Id. at 2). The undersigned ordered Petitioner to cure the deficiencies on or before December 16, 2025.¹ (Id.) The undersigned warned Petitioner that "[f]ailure to comply with this Order may result in the dismissal of this action." (Id.) To date, Petitioner has not cured the deficiencies. Under Federal Rule of Civil Procedure 41(b), a court may dismiss an action if the petitioner "fails to prosecute or to comply with these rules or a court order." Fed. R. Civ. P. 41(b); see also *Huggins v. Supreme Court of the U.S.*, 480 F. App'x 915, 916-17 (10th Cir. 2012) (noting that Rule 41(b) has been "consistently interpreted . . . to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute") (internal quotation marks omitted); *AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1233, 1236 (10th Cir. 2009) ("A district court undoubtedly has discretion to sanction a party for failing to prosecute or defend a case, or for failing to comply with local or federal procedural rules.") (internal quotation marks omitted). And, if dismissal is without prejudice, the court may dismiss "without attention to any particular procedures." *AdvantEdge Bus. Grp.*, 552 F.3d at 1236. ¹ The undersigned notes that the Order to Petitioner to Cure Deficiencies states that the deficiencies were to be cured on or before December 16, 2024. The incorrect year is a

scrivener's error – Petitioner's initial filings were made in November 2025, and the order was entered on November 25, 2025. (Doc. 1; Doc. 7, at 2). Petitioner's failure to comply with the Court's Orders leaves the Court unable "to achieve [an] orderly and expeditious disposition" of this action. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962) (discussing the "inherent power" of a court to dismiss suits for lack of prosecution on its own initiative). As outlined above, the Court has already provided Petitioner sufficient notice of the possibility of dismissal for failure to cure. Accordingly, the undersigned recommends that the Court dismiss this case without prejudice for failure to cure the deficiencies. II. Recommendation and Notice of Right to Object For the reasons set forth above, the undersigned recommends that the Court DISMISS this case without prejudice to the re-filing. The undersigned advises Petitioner of his right to file an objection to this Report and Recommendation with the Clerk of Court on or before January 12, 2026, under 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b)(2). The undersigned also advises Petitioner that failure to make a timely objection to this Report and Recommendation waives the right to appellate review of both factual and legal questions contained herein. *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). This Report and Recommendation disposes of all issues referred to the undersigned in this matter and terminates the referral. ENTERED this 22nd day of December, 2025.

AMANDA L. MAXFIELD i

UNITED STATES MAGISTRATE JUDGE