

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 May 1, 2026

SUMMARY

The United States District Court for the Eastern District of Missouri granted Dustin M. Baker a final extension to pay the filing fee or renew his application to proceed in forma pauperis with a certified inmate account statement. The order warns that failure to comply by May 21, 2026, will result in dismissal without prejudice and denies Bradi M. Rhodes’s motions as moot because she was previously stricken from the case.

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	May 1, 2026
DOCKET	2:26-cv-00020-JMD
DISPOSITION	other
PROCEDURAL POSTURE	The district court granted the plaintiff a final extension to pay the filing fee or renew his application to proceed in forma pauperis, warned that noncompliance would result in dismissal without prejudice, and denied a removed co-plaintiff's motions as moot.
PRECEDENTIAL VALUE	Nonprecedential district court memorandum and order
PARTIES	Dustin M. Baker v. State of Missouri, et al.

TOPICS

- prisoners rights
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner litigation
- civil procedure

QUESTIONS PRESENTED

1. Whether the court should provide Baker an additional extension to pay the filing fee or renew his application to proceed in forma pauperis after his failure to comply with a prior order.
2. Whether failure to pay the initial partial filing fee or establish inability to pay may result in dismissal under Federal Rule of Civil Procedure 41(b) and the Prison Litigation Reform Act.
3. Whether Rhodes's motions should be denied as moot after she was stricken from the case.

HOLDINGS

1. The court granted Baker one final extension, until May 21, 2026, to either pay the full \$405 filing fee or file a renewed in forma pauperis motion with a certified inmate account statement.
2. If Baker fails to timely pay the initial partial filing fee or show that he has no assets and no means to pay, the action will be dismissed without prejudice and without further notice.
3. Rhodes's motions were denied as moot because she had previously been stricken from the case.

KEY QUOTATIONS

“A district court has the power to dismiss a litigant’s cause of action when the litigant fails to comply with the court’s orders.”

“Baker’s failure to comply with this order will result in the dismissal of this action without prejudice and without further notice.”

FACTUAL BACKGROUND

Baker had not paid the required filing fee or complied with the court's prior order concerning an in forma pauperis application. Rhodes did not sign the complaint, and the court previously struck her from the case because Baker could not represent her. Rhodes nevertheless filed motions that remained pending when the court issued this order.

PROCEDURAL HISTORY

Baker failed to comply with the court's April 7, 2026 order requiring payment of the filing fee or an application for in forma pauperis status. The court had previously stricken Bradi M. Rhodes from the case because she did not sign the complaint and Baker could not represent her. The court issued this memorandum and order granting Baker until May 21, 2026, to comply and denying Rhodes's motions as moot.

DISPOSITION

other

CASES CITED

- Walker v. Galbreth, 382 F. App'x 522 (8th Cir. 2010)
- In re Smith, 114 F.3d 1247, 1251 (D.C. Cir. 1997)
- Ayo v. Bathey, 106 F.3d 98, 101 (5th Cir. 1997)

- *Hutchins v. A.G. Edwards & Sons, Inc.*, 116 F.3d 1256, 1259 (8th Cir. 1997)

OPINION

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 Dustin M. Baker has failed to comply with the Court's April 7, 2026 order requiring payment of the filing fee or application for in forma pauperis status.

ECF 11. The Court will allow him one last extension until May 21, 2026, to comply. If Baker fails to timely pay the initial partial filing fee or show he has no assets and no means to do so, the Court will dismiss this action without prejudice and without further notice. See *Walker v. Galbreth*, 382 F. App'x 522 (8th Cir. 2010) (per curiam) (affirming dismissal under Federal Rule of Civil Procedure 41(b) for failure to pay initial partial filing fee); *In re Smith*, 114 F.3d 1247, 1251 (D.C.

Cir. 1997) (citing *Ayo v. Bathey*, 106 F.3d 98, 101 (5th Cir. 1997), and noting that, under the Prison Litigation Reform Act, failure to pay the initial partial filing fee required by 28 U.S.C. § 1915(b)(1) may lead to dismissal of a prisoner's action); see also *Hutchins v. A.G. Edwards & Sons, Inc.*, 116 F.3d 1256, 1259 (8th Cir. 1997) ("A district court has the power to dismiss a litigant's cause of action when the litigant fails to comply with the court's orders.").

Bradi M. Rhodes was stricken from this case in an earlier order, ECF 11, because she did not sign the complaint and Baker cannot represent her. Her motions, ECF 14–15, are denied as moot. 1 Accordingly, IT IS HEREBY ORDERED that Baker must, no later than May 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 Rhodes's motions, ECF 14-15, are denied as moot. IT IS FURTHER ORDERED that the Clerk of Court shall mail Baker two copies of this order, and mail Rhodes one copy of this order.

Baker's failure to comply with this order will result in the dismissal of this action without prejudice and without further notice. Dated this 1st day of May, 2026 AOSHUA M. DIVINE
UNITED STATES DISTRICT JUDGE