

**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

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

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

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