

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, SOUTHEASTERN DIVISION

Brett Michaels Chilton v. Warden, USP Big Sandy

No. 1:25-cv-00172-SNLJ, United States District Court for the Eastern District of Missouri, Southeastern
Division (December 22, 2025)

SUMMARY

The United States District Court for the Eastern District of Missouri dismisses Brett Michaels Chilton’s case without prejudice for failure to comply with an order requiring an amended petition and payment of the filing fee or submission of an application to proceed in forma pauperis. The Court also certifies that an appeal from the dismissal would not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Eastern District of Missouri, Southeastern Division
WRITING FOR THE COURT	Stephen N. Limbaugh, Jr.
JURISDICTION	United States District Court for the Eastern District of Missouri, Southeastern Division
DECIDED	December 22, 2025
DOCKET	1:25-cv-00172-SNLJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner's habeas action was dismissed without prejudice after he failed to amend his petition, pay the filing fee, or seek leave to proceed in forma pauperis as ordered.
PRECEDENTIAL VALUE	unpublished
PARTIES	Brett Michaels Chilton v. Warden, USP Big Sandy

TOPICS

- federal habeas corpus
- civil procedure
- pleadings

PRACTICE AREAS

- federal habeas corpus
- civil procedure
- failure to prosecute

QUESTIONS PRESENTED

1. Whether the Court could dismiss the action without prejudice when Petitioner failed to comply with an order requiring an amended petition and payment of the filing fee or submission of an in forma pauperis motion.
2. Whether the Court could dismiss the action sua sponte for failure to prosecute.

HOLDINGS

1. A district court may dismiss an action without prejudice under Federal Rule of Civil Procedure 41(b) when a litigant, after meaningful notice and ample time, fails to comply with a court order and fails to prosecute the case.

KEY QUOTATIONS

“the authority of a court to dismiss sua sponte for lack of prosecution is inherent power governed “by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases””

FACTUAL BACKGROUND

The Court ordered Brett Michaels Chilton to file an amended petition and either pay the \$5 filing fee or move to proceed in forma pauperis. The order warned that failure to comply would result in dismissal without further notice, and it was resent after the original mailing was returned as undeliverable. Chilton did not comply, request additional time, pay the fee, or submit an in forma pauperis motion.

PROCEDURAL HISTORY

The Court previously ordered Petitioner to file an amended petition on the appropriate form and either pay the filing fee or submit a motion to proceed in forma pauperis. After the order was resent to Petitioner's updated address, he failed to comply within the allotted thirty days and did not request additional time. The Court dismissed the action without prejudice for failure to comply with the order and failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)
- Brown v. Frey, 806 F.2d 801, 803 (8th Cir. 1986)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION BRETT MICHAELS CHILTON,)) Petitioner,)) v.) Case No.

1:25-cv-00172-SNLJ) WARDEN, USP BIG SANDY,)) Respondent.) MEMORANDUM AND ORDER This matter is before the Court upon review of the file.

On November 4, 2025, the Court ordered Petitioner Brett Michaels Chilton to file an amended petition on an appropriate Court- provided form, and either pay the \$5 filing fee or file a motion to proceed in forma pauperis. [Doc. 3].

The Court cautioned Petitioner that his failure to timely comply with the Order would result in the dismissal of his case without further notice. [Id. at 2]. Petitioner was given thirty days to respond to the Court's Order.¹ Petitioner's deadline has passed, and he has neither responded to the Court's Order, nor sought additional time to do so. Local Rule 2.01 authorizes the Clerk of Court to refuse to receive any pleadings "until the applicable statutory fee is paid, except in cases accompanied by a completed application to proceed in forma pauperis." E.D.

Mo. L.R. 2.01(B)(1). Petitioner has neither paid the filing fee nor submitted a motion to proceed without prepayment. Petitioner was given meaningful notice of what was expected, he was cautioned that his case would be 1 The Court notes that its November 4, 2025 Order was returned as undeliverable and had to be resent to Petitioner on November 12, 2025. [Doc.

4]. Under the Court's Local Rules, it is Petitioner's responsibility to keep the Court informed of any change to his mailing address. E.D. Mo. L.R. 2.06(B). Regardless, Petitioner was given thirty days to respond in the Court's November 4, 2025 Order, and it has now been over thirty days since the Order was resent to Petitioner at his new address. dismissed if he failed to timely comply, and he was given ample time to comply.

The Court will therefore dismiss this action, without prejudice, due to Petitioner's failure to comply with the Court's November 4, 2025 Order and his failure to prosecute his case. See Fed. R. Civ. P. 41(b); see also *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss sua sponte for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir.

1986) (a district court has the power to dismiss an action for the plaintiffs failure to comply with any court order). Accordingly, IT IS HEREBY ORDERED that this case is DISMISSED without prejudice. A separate order of dismissal will be entered herewith. IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith. Dated this 2274 day of December, 2025.

STEPHEN N. LIMBAUGH, JR. SENIOR UNITED STATES DISTRICT JUDGE