

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PRECEDENTIAL VALUE	unpublished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)