

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Allie Thomas Chester v. Jim Dykes

Chester v. Dykes · No. No. CIV-26-505-G · Decided April 24, 2026

SUMMARY

A United States magistrate judge recommends denying Plaintiff Allie Thomas Chester’s motion to proceed in forma pauperis because he failed to submit the required financial information and documentation. The recommendation further advises dismissing the civil rights action without prejudice unless Plaintiff pays the filing fee within 21 days after adoption of the recommendation.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Suzanne Mitchell
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	April 24, 2026
DOCKET	No. CIV-26-505-G
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a pro se civil-rights action and moved to proceed in forma pauperis. After the court ordered him to submit a compliant IFP application and supporting trust-account records, he failed to respond. The magistrate judge issued a Report and Recommendation recommending denial of IFP status and dismissal without prejudice unless Plaintiff paid the filing fee.
STANDARD OF REVIEW	The Report and Recommendation was issued under 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72; the opinion also notes that denial of IFP status is reviewed for abuse of discretion and that courts may dismiss sua sponte for failure to prosecute or comply with court orders.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- civil procedure
- section 1983
- prisoners rights

PRACTICE AREAS

civil rights

prisoner litigation

civil procedure

in forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether Plaintiff's failure to submit a compliant in forma pauperis application and certified trust-account statements warranted denial of IFP status.
2. Whether the action should be dismissed without prejudice if Plaintiff failed to pay the \$405 filing fee within 21 days after adoption of the Report and Recommendation.
3. Whether a pro se litigant's failure to comply with a court order, together with the court's inherent authority to manage its docket, justified conditional dismissal for failure to prosecute.

HOLDINGS

1. The magistrate judge recommended denying Plaintiff's motion to proceed in forma pauperis because Plaintiff failed to submit the required forms, financial information, institutional signature, and certified trust-account statements.
2. The magistrate judge recommended dismissing the action without prejudice if Plaintiff did not pay the full \$405 filing fee within 21 days after the district court adopted the Report and Recommendation.

KEY QUOTATIONS

"The undersigned recommends the Court deny Plaintiff's in forma pauperis (IFP) motion, Doc. 2, and dismiss the complaint without prejudice unless Plaintiff pays the filing fee within twenty-one (21) days of the Court's order adopting this Report and Recommendation."

"The undersigned finds that Plaintiff's failure to comply with the Court's order, together with the Court's inherent power to manage judicial resources, warrants dismissal of this action without prejudice."

FACTUAL BACKGROUND

Plaintiff alleged constitutional violations in a civil-rights complaint and sought to proceed without prepaying the filing fee. The court ordered him to use the proper IFP form, provide required financial information and an institutional-authorized signature, and attach certified trust-account statements. Plaintiff did not respond by the court-ordered deadline and had not otherwise supplied the information necessary to establish indigency.

PROCEDURAL HISTORY

Plaintiff filed the action on March 16, 2026, and submitted an IFP motion. District Judge Charles Goodwin referred the matter to Magistrate Judge Suzanne Mitchell under 28 U.S.C. § 636(b)(1)(B). The court ordered Plaintiff to cure deficiencies in his IFP motion by April 9, 2026, but he did not respond. The Report and Recommendation recommends denial of the IFP motion and conditional dismissal, subject to Plaintiff paying the \$405 filing fee within 21 days after adoption of the recommendation.

DISPOSITION

other

CASES CITED

- Lister v. Department of Treasury, 408 F.3d 1309, 1313 (10th Cir. 2005)
- Davis v. Kansas Department of Corrections, 507 F.3d 1246, 1247 n.1 (10th Cir. 2007)
- Nasious v. Two Unknown B.I.C.E. Agents, 492 F.3d 1158, 1161 n.2 (10th Cir. 2007)
- Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

OPINION

Allie Thomas Chester v. Jim Dykes

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ALLIE THOMAS CHESTER,)

) Plaintiff,)) v.) No. CIV-26-505-G)

JIM DYKES,)

) Defendant.)

REPORT AND RECOMMENDATION

Plaintiff filed this civil rights action on March 16, 2026, alleging violations of his constitutional rights. Doc. 1.1 United States District Judge Charles Goodwin referred the matter to the undersigned for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). Doc. 6. The undersigned recommends the Court deny Plaintiff's in forma pauperis (IFP) motion, Doc. 2, and dismiss the complaint without prejudice unless Plaintiff pays the filing fee within twenty-one (21) days of the Court's order adopting this Report and Recommendation. I. Discussion. On March 19, 2026, the Court ordered Plaintiff to cure the deficiencies in his IFP motion by submitting it on the proper form with the required 1 Citations to a court document are to its electronic case filing designation and pagination. Except for capitalization, quotations are verbatim unless otherwise indicated. financial information and signature of the authorized officer of the penal institution in which he is confined, and to attach a certified copy of his trust fund account statements with his motion as required under 28 U.S.C. § 1915(a)(2). Doc. 7. The Court gave Plaintiff until April 9, 2026, to comply and warned him that a failure to comply could result in the dismissal of his case. Id. at 1-2. The Clerk of Court sent the order and appropriate forms to Plaintiff at the address he provided to the Court. See id. (court notes). "Papers sent by the court will be deemed delivered if sent to the last known address given to the court." LCvR5.4. As of this date, Plaintiff has not responded to the Court's order. Plaintiff has not provided this Court with the requisite information to establish his indigent status, so the Court should deny his motion to proceed IFP, Doc. 2. See,

e.g., *Lister v. Dep't of Treasury*, 408 F.3d 1309, 1313 (10th Cir. 2005) (holding district court did not abuse its discretion in denying IFP status to plaintiff who “failed to fill out the proper forms or to otherwise provide the district court with the requisite information”). The Court should also dismiss this action without prejudice if Plaintiff does not pay the \$405.00 filing fee in full to the Clerk of the Court within 21 days of any order adopting this Report and Recommendation. See LCvR3.3(e) (“In the event the [IFP] application is denied, the filing party shall have 21 days, unless a different time is specified by the court, within which to pay the required filing fees.”). Plaintiff appears pro se, but he must follow the same rules as any other litigant. See *Davis v. Kan. Dep't of Corrs.*, 507 F.3d 1246, 1247 n.1 (10th Cir. 2007) (holding a pro se litigant “to the same rules of procedure as other litigants”). The undersigned finds that Plaintiff’s failure to comply with the Court’s order, together with the Court’s inherent power to manage judicial resources, warrants dismissal of this action without prejudice. See *Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1161 n.2 (10th Cir. 2007) (noting Rule 41(b) permits courts “to dismiss actions sua sponte for a plaintiff’s failure to . . . comply with the rules of civil procedures or court’s orders”); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (discussing the inherent power of a court to dismiss suits for lack of prosecution). II. Recommendation and notice of right to object. For the reasons set forth above, the undersigned recommends the Court deny Plaintiff’s IFP motion, Doc. 2, and dismiss this action without prejudice if he does not pay the full filing fee within 21 days of the Court’s adoption of this Report and Recommendation. The undersigned advises Plaintiff of his right to file an objection to this Report and Recommendation with the Clerk of this Court by May 15, 2026, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. The undersigned further advises Plaintiff that failure to make 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 the issues referred to the undersigned Magistrate Judge in the captioned matter. ENTERED this 24th day of April, 2026. hea Ler _

SUZANNE MITCHELL

UNITED STATES MAGISTRATE JUDGE