

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
OKLAHOMA

Michael C. Washington, Patrick Conely, and Dexter Manuel v.  
Oklahoma County Criminal Justice Authority, et al.

Washington v. Oklahoma County Criminal Justice Authority · No. CIV-26-695-D · Decided May 8, 2026

SUMMARY

A United States Magistrate Judge recommends dismissing without prejudice a pro se civil action because the plaintiffs failed to file a complaint, pay the filing fee, or seek leave to proceed in forma pauperis as ordered. The recommendation relies on Federal Rule of Civil Procedure 41(b), the court's inherent authority to manage its docket, and the plaintiffs' failure to maintain current addresses.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                           |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Oklahoma                                                                                                                                                                                                                                                         |
| WRITING FOR THE COURT | United States Magistrate Judge                                                                                                                                                                                                                                                                                            |
| JURISDICTION          | United States District Court for the Western District of Oklahoma                                                                                                                                                                                                                                                         |
| DECIDED               | May 8, 2026                                                                                                                                                                                                                                                                                                               |
| DOCKET                | CIV-26-695-D                                                                                                                                                                                                                                                                                                              |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                     |
| PROCEDURAL POSTURE    | Plaintiffs filed a petition seeking emergency, temporary, and permanent injunctive relief. The magistrate judge issued a Report and Recommendation recommending dismissal without prejudice after Plaintiffs failed to file a complaint, pay the filing fee, seek in forma pauperis status, or comply with a court order. |
| STANDARD OF REVIEW    | A court may dismiss an action sua sponte for failure to prosecute or comply with the Federal Rules of Civil Procedure or a court order under Federal Rule of Civil Procedure 41(b), including pursuant to the court's inherent authority to manage its docket.                                                            |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                           |
| PARTIES               | Michael C. Washington, Patrick Conely, Dexter Manuel v. Oklahoma County Criminal Justice Authority, et al.                                                                                                                                                                                                                |

TOPICS

pleadings

civil procedure

injunctions

## PRACTICE AREAS

civil procedure

prisoner civil rights

injunctive relief

## QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice because Plaintiffs failed to file a complaint, satisfy the filing-fee or in forma pauperis requirements, and comply with the court's order.

## HOLDINGS

1. The magistrate judge recommended dismissal of the action without prejudice because Plaintiffs failed to comply with the court's order and applicable procedural requirements.

## KEY QUOTATIONS

*“A court has the inherent authority to manage its own affairs and may dismiss an action if a plaintiff “fails to prosecute or to comply with [the rules of civil procedure] or a court order,” Fed. R. Civ. P. 41(b).”*

*“Plaintiffs failed to comply with the Court’s Order and rules. Such failure, combined with the Court’s inherent power to manage judicial resources, warrants dismissal of this action without prejudice.”*

## FACTUAL BACKGROUND

Plaintiffs filed a petition for emergency, temporary, and permanent injunctive relief but did not file the complaint required to commence a federal civil action. The court ordered them to file a complaint and either pay the filing fee or seek leave to proceed in forma pauperis by May 1, 2026; Plaintiff Conely was also ordered to submit a corrected in forma pauperis application. None of the Plaintiffs complied, requested an extension, or showed good cause, and the court's order was returned as undeliverable to each Plaintiff's last known address.

## PROCEDURAL HISTORY

Plaintiffs initiated the action with a petition for injunctive relief rather than a complaint. The court ordered them to file a complaint and address the filing-fee or in forma pauperis requirements by May 1, 2026, warning that noncompliance could result in dismissal. Plaintiffs did not comply, seek an extension, or show good cause, and the magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b) and the court's inherent authority.

## DISPOSITION

other

## CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)
- Nielsen v. Price, 17 F.3d 1276, 1277 (10th Cir. 1994)

- U.S. ex rel. Jimenez v. Health Net, Inc., 400 F.3d 853, 855 (10th Cir. 2005)
- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)

## OPINION

Michael C. Washington, Patrick Conely, and Dexter Manuel v. Oklahoma County Criminal Justice Authority

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF OKLAHOMA

MICHAEL C. WASHINGTON, et al., ) ) Plaintiffs, ) ) v. ) Case No. CIV-26-695-D )

OKLAHOMA COUNTY CRIMINAL )

JUSTICE AUTHORITY, et al., ) ) Defendants. )

REPORT AND RECOMMENDATION

Pro se Plaintiffs Michael C. Washington, Patrick Conely, and Dexter Manuel filed a Petition for Emergency, Temporary and Permanent Injunction/Motion for Hearing. Doc.

1. United States District Judge Timothy D. DeGiusti referred this matter to the undersigned Magistrate Judge in accordance with 28 U.S.C. § 636(b)(1)(B)-(C). For the reasons set forth below, the undersigned recommends that the Court dismiss the action without prejudice. I. Background On April 10, 2026, the Court explained that Plaintiffs had not filed a Complaint, which is the required initiating document in a federal civil suit, and ordered them to file a complaint not later than May 1, 2026. Doc. 7 at 1 (citing Fed. R. Civ. P. 3). The Court additionally explained that each Plaintiff must either pay the full \$405.00 filing fee or be granted leave to proceed in forma pauperis (“IFP”). Id. at 5. Though Plaintiff Conely had filed an application to proceed IFP, it was deficient and the Court ordered him to file an amended application not later than May 1, 2026. Id. at 6. The Court ordered Plaintiffs Washington and Manuel either to pay the filing fee or move to proceed IFP not later than May 1, 2026. Id. The Court warned Plaintiffs that “failure to comply with this Order may result in dismissal of this action.” Id. at 7 (citation modified). The case docket indicates that, as of this date, Plaintiffs have failed to comply with the Order, as they have not filed a complaint, paid the filing fees, or moved to proceed IFP. Nor have Plaintiffs attempted to show good cause for their failure to comply or requested an extension of time in which to comply. The Clerk of Court mailed the Court’s April 10th Order and the appropriate forms to each Plaintiff at his last known address. See LCvR5.4 (stating that documents mailed by the Court are “deemed delivered if sent to the last known address given to the court”). The docket reflects that the Order was returned as undeliverable to each Plaintiff: • Not deliverable to Plaintiff Conely, returned April 20, 2026; Doc. 9; • Not deliverable to Plaintiff Manuel (released 4/10/26), returned April 20, 2026; Doc. 10; • Not deliverable to Plaintiff Washington (released 4/1/26), returned April 21, 2026; Doc. 11. II. Failure to Comply with Order and Rules A court has the inherent authority to manage its own affairs and may dismiss an action if a plaintiff “fails to

prosecute or to comply with [the rules of civil procedure] or a court order,” Fed. R. Civ. P. 41(b). See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31

(1962) (interpreting Rule 41(b) to permit courts to dismiss actions sua sponte). A litigant’s failure to comply with a court order leaves a court unable “to achieve the orderly and expeditious disposition of cases.” /d. And Plaintiffs’ pro se status does not exempt them from “follow[ing] the same rules of procedure that govern other litigants.” *Nielsen v. Price*, 17 F.3d 1276, 1277 (10th Cir. 1994) (citation modified). Plaintiffs failed to comply with the Court’s Order and rules. Such failure, combined with the Court’s inherent power to manage judicial resources, warrants dismissal of this action without prejudice. See *U.S. ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) (“Dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules.” (citation modified)). Recommendation and Notice of Right to Object For the foregoing reasons, the undersigned recommends that the Court DISMISS the action without prejudice. Plaintiffs are advised of their right to object to this Report and Recommendation. See 28 U.S.C. § 636. Any objection must be filed with the Clerk of Court not later than May 29, 2026. See *id.* § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Failure to object timely waives the right to appellate review of the factual and legal issues addressed in this Report and Recommendation. See *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in this matter. ENTERED this 8<sup>th</sup> day of May, 2026.

UNITED STATES MAGISTRATE JUDGE