

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

Ryan Russell v. Chad Hopping and John Does 1–10

Russell · No. 26-CV-00009-SEH-MTS · Decided March 6, 2026

SUMMARY

The United States District Court for the Northern District of Oklahoma dismisses Ryan Russell’s action without prejudice for failure to pay the filing fee or file a motion to proceed in forma pauperis. The dismissal is entered sua sponte under Federal Rule of Civil Procedure 41(b) after Russell failed to comply with court orders and failed to respond to an order to show cause.

CASE DETAILS

|                       |                                                                                                                                                            |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Northern District of Oklahoma                                                                                         |
| WRITING FOR THE COURT | Sara E. Hill                                                                                                                                               |
| JURISDICTION          | United States District Court for the Northern District of Oklahoma                                                                                         |
| DECIDED               | March 6, 2026                                                                                                                                              |
| DOCKET                | 26-CV-00009-SEH-MTS                                                                                                                                        |
| DISPOSITION           | dismissed                                                                                                                                                  |
| PROCEDURAL POSTURE    | Sua sponte dismissal for failure to pay the filing fee, failure to move to proceed in forma pauperis, and failure to comply with court orders.             |
| STANDARD OF REVIEW    | The court exercised its authority under Federal Rule of Civil Procedure 41(b) to dismiss sua sponte for failure to prosecute or comply with a court order. |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                    |
| PARTIES               | Ryan Russell v. Chad Hopping, John Does 1–10                                                                                                               |

TOPICS

civil procedure

PRACTICE AREAS

civil procedure

QUESTIONS PRESENTED

1. Whether the court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to pay the filing fee, fails to seek in forma pauperis status, and fails to comply with court orders.
2. Whether dismissal without prejudice was warranted under the circumstances.

## HOLDINGS

1. A court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute or comply with the rules of civil procedure or a court order.
2. Dismissal without prejudice was warranted because the plaintiff failed to comply with the court's orders after receiving sufficient notice of the possibility of dismissal.

## KEY QUOTATIONS

*“The court may dismiss an action if a plaintiff “fails to prosecute or to comply with these rules or a court order.””*

*“Therefore, considering the Court’s responsibility to manage its cases, the Court finds that Plaintiff’s failure to comply with the Court’s orders, [ECF Nos. 4, 5], justifies dismissal of this action without prejudice.”*

## FACTUAL BACKGROUND

Ryan Russell commenced the action without paying the applicable filing fee or filing a motion to proceed in forma pauperis. He failed to comply with the court's order requiring him to cure that deficiency and then failed to respond to the order to show cause.

## PROCEDURAL HISTORY

Plaintiff initiated the action on January 5, 2026, without paying the filing fee or filing a motion to proceed in forma pauperis. The court ordered him to cure that deficiency, and after he failed to comply, ordered him to show cause why the action should not be dismissed. Plaintiff did not respond or cure the deficiency, and the court dismissed the action without prejudice.

## DISPOSITION

dismissed

## CASES CITED

- Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)
- Ecclesiastes 9:10-11-12, Inc. v. LMC Holding Co., 497 F.3d 1135, 1143 n.10 (10th Cir. 2007)
- Link v. Wabash R.R., 370 U.S. 626, 629–31 (1962)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA RYAN RUSSELL, Plaintiff, v. Case No. 26-CV-00009-SEH-MTS CHAD HOPPING; and JOHN DOES 1–10, Defendant. OPINION AND ORDER This matter comes before the Court sua sponte. Plaintiff Ryan Russell initiated this action on January 5, 2026. [ECF No. 1]. Plaintiff did not pay the applicable filing fees, and he did not file a motion to proceed in forma pauperis.

Due to Plaintiff’s failure, the Court ordered him to either pay the applicable filing fees or file a motion to proceed in forma pauperis no later than January 22, 2026. [ECF No. 4]. Plaintiff did not comply with the Court’s order, so the Court entered an order for Plaintiff to show cause why this action should not be dismissed. [ECF No. 5]. Plaintiff did not respond to the Court’s order to show cause, and he has neither paid the applicable filing fees nor filed a motion to proceed in forma pauperis.

For the reasons explained below, the Court dismisses this action without prejudice. The Court may dismiss an action if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Fed. R. Civ. P. 41(b).

Although Rule 41(b) contemplates dismissal upon a motion, “the Rule has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff’s failure to prosecute or comply with the rules of civil procedure or court’s orders.” *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

Because this action is dismissed without prejudice, the Court “need not follow ‘any particular procedures’” in entering the dismissal order. *Ecclesiastes 9:10-11- 12, Inc. v. LMC Holding Co.*, 497 F.3d 1135, 1143 n. 10 (10th Cir. 2007) (citation omitted). Plaintiff’s failure to pay the filing fees, or to file a motion to proceed in forma pauperis leaves the Court unable “to achieve [an] orderly and expeditious” resolution of this action.

Cf. *Link v. Wabash R.R.*, 370 U.S. 626, 629–31 (1962) (discussing the inherent power of a court to dismiss suits for lack of prosecution on its own initiative). And as outlined above, the Court has provided Plaintiff sufficient notice of the possibility of dismissal if he did not comply with the Court’s orders.

Therefore, considering the Court’s responsibility to manage its cases, the Court finds that Plaintiff’s failure to comply with the Court’s orders, [ECF Nos. 4, 5], justifies dismissal of this action without prejudice. DATED this 6» day of March, 2026. Sara E. Hill UNITED STATES DISTRICT JUDGE