

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Tscher Manck v. Kansas Attorney General

Manck · No. 25-cv-2742-EFM-TJJ · Decided February 9, 2026

SUMMARY

The United States District Court for the District of Kansas orders pro se plaintiff Tscher Manck to show cause why the case should not be dismissed. The order states that Plaintiff failed to file a proper complaint, renew his in forma pauperis motion with a financial affidavit, or pay the filing fee. Plaintiff must respond or cure these deficiencies by March 2, 2026, or the case may be dismissed under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Teresa J. James
DECIDED	February 9, 2026
DOCKET	25-cv-2742-EFM-TJJ
DISPOSITION	other
PROCEDURAL POSTURE	The court issued a notice and order to show cause after the pro se plaintiff failed to file a proper complaint, submit a compliant in forma pauperis application or pay the filing fee, and comply with a prior court order.
PRECEDENTIAL VALUE	Unknown; interlocutory district court notice and order to show cause
PARTIES	Tscher Manck v. Kansas Attorney General, et al.

TOPICS

pleadings

civil procedure

PRACTICE AREAS

civil procedure

federal courts

QUESTIONS PRESENTED

1. Whether a civil action may proceed when the plaintiff has not filed a complaint satisfying the Federal Rules of Civil Procedure.

2. Whether the plaintiff should be required to show cause why the action should not be dismissed for failure to prosecute and failure to comply with a court order.
3. Whether the plaintiff must file a renewed in forma pauperis motion with a financial affidavit or pay the statutory filing fee.

HOLDINGS

1. A civil action cannot proceed when the plaintiff has not filed a complaint that complies with the Federal Rules of Civil Procedure; a freestanding motion and accompanying cover sheet do not commence the action.
2. Plaintiff must, by the specified deadline, either file a compliant complaint and a renewed in forma pauperis motion with a completed financial affidavit, or pay the filing fee and explain why the case should not be dismissed for failure to prosecute and failure to comply with a court order.

KEY QUOTATIONS

“The Federal Rules of Civil Procedure make clear that only a properly-filed “complaint” can commence a civil action.” (2)

“Rule 3 governs commencement of an action and states “[a] civil action is commenced by filing a complaint with the court.” (2)

“In the absence of the filing of a complaint, Plaintiff cannot proceed with this action.” (2)

“Plaintiff is warned that failure to act by this new deadline may result in this case being dismissed under Rule 41(b) without further notice.” (3)

FACTUAL BACKGROUND

Plaintiff filed an emergency motion and an incomplete in forma pauperis motion but did not attach the required financial affidavit. He also filed a checklist-style cover sheet with exhibits rather than a complaint containing factual allegations and the required pleading components. Plaintiff failed to comply with the court's deadline to cure these deficiencies or pay the filing fee.

PROCEDURAL HISTORY

Plaintiff commenced the matter by filing an emergency motion for a temporary restraining order and an order to show cause, along with an incomplete motion to proceed in forma pauperis. The court ordered him to submit a renewed application with a financial affidavit or pay the filing fee by January 23, 2026. He did neither and had not filed a complaint, so the court ordered him to show cause by March 2, 2026 why the action should not be dismissed under Federal Rule of Civil Procedure 41(b), while permitting him alternatively to file a compliant complaint and renewed IFP motion or pay the fee.

DISPOSITION

other

CASES CITED

- Powell v. Rios, 241 F. App'x 500, 505 n.4 (10th Cir. 2007)
- United States v. Stacy, 156 F.4th 994, 1009 n.13 (10th Cir. 2025)
- Maldonado v. BOP Transp. Officers, No. CIV-25-0025-SLP, 2025 WL 1134458, at *1 (W.D. Okla. Apr. 16, 2025)

OPINION

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS TSCHER MANCK, Plaintiff, v. Case No. 25-cv-2742-EFM-TJJ KANSAS ATTORNEY GENERAL, et al, Defendants. NOTICE AND ORDER TO SHOW CAUSE TO THE PLAINTIFF: Plaintiff commenced this action pro se on December 15, 2025, by filing an “Emergency Motion for Temporary Restraining Order and Order to Show Cause” (ECF No. 2).

Plaintiff also filed a Motion to Proceed without Prepayment of Fees (in forma pauperis) (“IFP motion”) (ECF No. 3). However, due to his failure to attach the required Affidavit of Financial Status,¹ the Court was unable to substantiate his assertion that he is unable to pay the fees and costs of this case because of his financial status.

The Court ordered Plaintiff to either (1) file a renewed IFP motion and attach his financial affidavit thereto or (2) pay the court filing fee by January 23, 2026.² 1 See 28 U.S.C. § 1915(a)(1) (requiring the submission of a financial affidavit in order to proceed in forma pauperis). A form Affidavit of Financial Status is available on the Court’s website at <https://www.ksd.uscourts.gov/court-appointedself-representation-forms>.

2 See Dec. 23, 2025 Text Order (ECF No. 4). A Notice of Electronic Filing (NEF) of the Text Order was emailed to Plaintiff at the email address he registered for electronic notification. A paper copy of the Text Order was also mailed to Plaintiff. 1 Federal Rule of Civil Procedure 41(b) provides for the involuntary dismissal of a case if the plaintiff fails to prosecute or to comply with the Federal Rules or a court order.

To date, Plaintiff has failed to file a renewed IFP motion with completed financial affidavit, pay the statutory district court filing fee required by 28 U.S.C. § 1914, or otherwise respond to the Court’s Order by the January 23, 2026 deadline.

In addition to failing to comply with the Court’s order, Plaintiff has also failed to actually file a complaint to commence this action. Instead, Plaintiff filed a checklist-style document titled “Cover Sheet” (ECF No. 1), which includes no alleged facts to support his requests for relief. Nineteen exhibits are attached to the Cover Sheet but none of them are titled as a Complaint or can even be construed as a complaint.

The Federal Rules of Civil Procedure make clear that only a properly-filed “complaint” can commence a civil action.³ Rule 3 governs commencement of an action and states “[a] civil action

is commenced by filing a complaint with the court.”⁴ Rule 10 sets forth the requirements for a complaint. It provides “[e]very pleading must have a caption with the court’s name, a title, a file number, and a Rule 7(a) designation.

The title of the complaint must name all the parties.”⁵ Rule 8(a)(2) requires the complaint contain a “short and plain statement of the claim showing the pleader is entitled to relief.” In the absence of the filing of a complaint, Plaintiff cannot proceed with this *3 Powell v. Rios*, 241 F. App’x 500, 505 n.4 (10th Cir. 2007) (emphasis in original). 4 Fed. R. Civ.

P. 3. See also Fed. R. Civ. P. 3 advisory committee’s note to 1937 adoption (“This rule provides that the first step in an action is the filing of the complaint.”). 5 Fed. R. Civ. P. 10(a). 2 action.® Plaintiff is therefore ordered to show cause in writing why this case should be dismissed for failure to file a proper complaint commencing this action. IT IS THEREFORE ORDERED that Plaintiff shall show cause in writing to the District Judge on or before March 2, 2026, why this case should not be dismissed for failure to file a proper complaint and for lack of prosecution under Fed.

R. Civ. P. 41(b) and/or failure to file a renewed IFP motion or pay the required filing fee. Plaintiff may alternatively file a complaint that complies with Fed. R. Civ. P. 7(a) and 8(a)(2) and file a renewed IFP motion with completed financial affidavit (or pay the filing fee) by March 2, 2026. Plaintiff is warned that failure to act by this new deadline may result in this case being dismissed under Rule 41(b) without further notice.

A copy of this Notice and Order to Show Cause will be mailed to Plaintiff and sent via electronic notification to his registered email address. IT IS SO ORDERED. Dated February 9, 2026, in Kansas City, Kansas. os 7p Dames Teresa J. Fames U.S. Magistrate Judge ° See *United States v. Stacy*, 156 F.4th 994, 1009 n.13 (10th Cir. 2025) (“{A} freestanding motion for relief cannot commence a civil action.”) (citing *Powell v. Rios*, 241 F. App’x 500, 505 n.4 (10th Cir.

2007)). See also *Maldonado v. BOP Transp. Officers*, No. CIV-25-0025-SLP, 2025 WL 1134458, at *1 (W.D. Okla. Apr. 16, 2025) (dismissing pro se plaintiff’s case for failure to file a complaint).