

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Jack Sullivan v. Carmen Pacheco and Sergio Jimenez

Sullivan · No. 2:26-cv-00145-SMD-GBW · Decided February 19, 2026

SUMMARY

The United States District Court for the District of New Mexico dismissed Plaintiff Jack Sullivan's pro se civil rights action without prejudice. The dismissal was based on Plaintiff's failure to file an amended complaint and a required long-form application to proceed without prepaying fees or costs, and the Court denied his short-form application.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
JURISDICTION	United States District Court for the District of New Mexico
DECIDED	February 19, 2026
DOCKET	2:26-cv-00145-SMD-GBW
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a civil-rights complaint under 42 U.S.C. § 1983 and an application to proceed in forma pauperis. After the magistrate judge ordered plaintiff to file an amended complaint and a long-form in forma pauperis application, plaintiff failed to comply, and the district court dismissed the action without prejudice and denied the short-form application.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion and order; limited precedential value.

TOPICS

[civil procedure](#) [pleadings](#) [motions to dismiss](#) [section 1983](#)

PRACTICE AREAS

[Civil procedure](#) [Civil rights litigation](#)

QUESTIONS PRESENTED

1. Whether the court could dismiss the action without prejudice for plaintiff's failure to comply with orders requiring an amended complaint and a long-form in forma pauperis application.

2. Whether plaintiff's short-form application to proceed without prepaying fees or costs should be denied because it did not provide sufficient financial information.

HOLDINGS

1. The 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 Federal Rules of Civil Procedure or a court order; plaintiff's failure to file the ordered amended complaint and long-form in forma pauperis application warranted dismissal without prejudice.
2. The short-form application to proceed without prepaying fees or costs was denied because plaintiff failed to provide sufficient information to establish inability to pay and failed to file the ordered long-form application.

KEY QUOTATIONS

"Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, 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."

FACTUAL BACKGROUND

The complaint alleged only that 42 U.S.C. § 1983 existed, that defendants delayed proceedings in violation of that statute, and that the amount in controversy exceeded \$75,000. The court ordered plaintiff to amend the complaint and provide a long-form in forma pauperis application, but plaintiff did not meet the deadline for either filing.

PROCEDURAL HISTORY

Plaintiff filed the complaint and a short-form application to proceed without prepaying fees or costs on January 23, 2026. Chief Magistrate Judge Gregory B. Wormuth determined that the complaint failed to state a claim and that the short-form application lacked sufficient financial information, ordering plaintiff to file an amended complaint and a long-form application by February 17, 2026. Plaintiff filed neither document, so the court dismissed the case without prejudice under Rule 41(b) and denied the short-form application.

DISPOSITION

dismissed

CASES CITED

- Gustafson v. Luke, 696 Fed. App'x 352, 354 (10th Cir. 2017)
- Olsen v. Mapes, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003)