

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MISSOURI, SOUTHEASTERN DIVISION**

Carlos J. Wallace v. United States of America

Wallace · No. 1:26-cv-00021-SNLJ · Decided April 2, 2026

SUMMARY

The court dismissed Carlos J. Wallace’s action seeking relief under 28 U.S.C. § 2255 without prejudice because he failed to file an amended motion on the required court form and failed to prosecute the case. The court relied on Federal Rule of Civil Procedure 41(b) and certified that an appeal would not be taken in good faith.

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION CARLOS J. WALLACE,)) Petitioner,)) v.) Case No. 1:26-cv-
00021-SNLJ) UNITED STATES OF AMERICA,)) Respondent.) MEMORANDUM AND
ORDER This matter is before the Court upon review of the file. Petitioner Carlos Wallace
commenced this action with a handwritten filing, construed as seeking relief under 28 U.S.C. §
2255.

[Doc. 1]. However, the filing was defective as a § 2255 motion because it was not drafted on a
Court-provided form. As such, on February 13, 2026, the Court directed the Clerk to send
Petitioner the Court form for §2255 motions and ordered Petitioner to file an amended motion on
the Court form within thirty (30) days. [Doc. 2].

The Court cautioned Petitioner that his failure to timely comply with the Court’s Order would
result in the dismissal of his case. [Id.] Petitioner’s response was due by March 16, 2026. To date,
Petitioner has neither responded to the Court’s order, nor sought additional time to do so.
Petitioner was given meaningful notice of what was expected, he was cautioned that his case
would be dismissed if he failed to timely comply, and he was given ample time to comply.

The Court will therefore dismiss this action, without prejudice, due to Petitioner’s failure to
comply with the Court’s February 13, 2026 Order and his failure to prosecute his case. See Fed. R.
Civ. P. 41(b); see also *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a
court to dismiss sua sponte for lack of prosecution is inherent power governed “by the control
necessarily vested in courts to manage their own affairs so as to achieve the orderly and
expeditious disposition of cases”); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir.

1986) (a district court has the power to dismiss an action for the plaintiffs failure to comply with any court order). Accordingly, IT IS HEREBY ORDERED that this case is DISMISSED without prejudice. A separate order of dismissal will be entered herewith. IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith. Dated this 2nd day of April, 2026.

STEPHEN N. LIMBAUGH, JR.“ SENIOR UNITED STATES DISTRICT JUDGE

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