

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

KENNETH E. PATTERSON,

Plaintiff,

v.

NANCY A. BERRYHILL,

Defendant.

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No. 4:18-cv-345-JAR

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. On February 26, 2018, plaintiff filed a complaint in this Court. He submitted his complaint on a form used for seeking judicial review of a decision of the commissioner of social security, pursuant to 42 U.S.C. § 405(g). He neither paid the filing fee nor moved for leave to proceed *in forma pauperis*, and in a Memorandum and Order dated March 15, 2018, he was ordered to do one or the other. He was specifically cautioned that his failure to comply in a timely manner would result in the dismissal of his case, without prejudice and without further notice. Plaintiff's response was due on April 5, 2018.

Plaintiff neither complied with the Court's Order nor sought additional time to do so. Instead, on April 9, 2018, he submitted a letter addressed to the Clerk of Court. Therein, plaintiff wrote: "In the above case, I am today the baby. Our, Mr. Kenneth Eugene Patterson. Please understand. When born, with a Swiss Amish doctor. See Attending Physician Certifies. That baby can only cry, clean with mother. He cannot file his birth." (Docket No. 5). The letter also references, *inter alia*, military service, Russian spy headquarters, and returning to Indiana to avoid being shot by a spy who had taken his original Indiana vital record from a General's files. Attached to the letter are copies of a physician's statement, a baptismal certificate, and a state of Indiana vital record.

The letter is incomprehensible, and cannot be construed as an appropriate response to the Court's March 15, 2018 Memorandum and Order. Plaintiff was given clear instructions and meaningful notice of what was expected, and he was cautioned that his case would be dismissed if he failed to timely comply. Therefore, this action will be dismissed without prejudice due to plaintiff's failure to prosecute his case and his failure to comply with this Court's March 15, 2018 Memorandum and Order. Fed. R. Civ. P. 41(b); *Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

As an additional matter, even if plaintiff had sought and been granted leave to proceed *in forma pauperis*, his complaint would be subject to dismissal. In the complaint, plaintiff writes: "Only Kenneth Eugene Patterson, of the above Missouri address was born in Washington, Indiana on [redacted]. Not the other person using his SS number. The judge of our Daviess Swiss Amish Court House States, Ken E is a true American." (Docket No. 1). Liberally construed, these statements cannot be understood to seek relief that is available in an action seeking judicial review of a decision of the commissioner of social security pursuant to 42 U.S.C. § 405(g), or in any other federal civil action.

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 than an appeal from this dismissal would not be taken in good faith.

Dated this 16th day of April, 2018.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE