

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MIROSLAV STOLICA,)	
)	
Petitioner,)	
)	
v.)	No. 4:22-CV-652-SRW
)	
ANN MARIE JORDAN STARKS,)	
)	
Respondent.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Petitioner Miroslav Stolica initiated this civil action by mailing to the Court a pleading titled: “Cease and Desist Letter Before Federal Court Action . . . Fifth and Fourteenth U.S. Constitutional Protection Infringements on Liberty, Due Process and Equal Protection Laws.” (ECF No. 1 at 1). The pleading was addressed to Ann Marie Jordan Starks, the Acting Field Office Director of the St. Louis, Missouri Field Office of the Department of Homeland Security. While it appeared Mr. Stolica submitted the pleading to this Court in an attempt to institute a civil action, it was not entirely clear what type of action he wished to institute. Additionally, he did not pay any filing fee, nor did he file a motion seeking leave to proceed without payment of such fee.

On October 19, 2022, the Court directed Mr. Stolica to file an amended pleading that was accompanied by either the applicable filing fee, or a motion seeking leave to proceed without payment of such fee. As set forth in that order, the Court clearly explained Mr. Stolica’s options to him, and advised him that his failure to timely comply would result in the dismissal of his case, without prejudice and without further notice. Mr. Stolica’s response was due to the Court on November 2, 2022. To date, however, he has neither complied with the order, nor sought

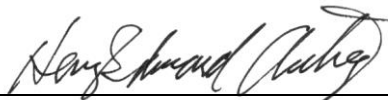
additional time to do so.

The Court gave Mr. Stolica meaningful notice of what was expected, cautioned him that his case would be dismissed if he failed to timely comply, and waited an additional period of time for him to comply. Therefore, this action will be dismissed without prejudice due to Mr. Stolica's failure to comply with this Court's October 19, 2022 order and his failure to prosecute this case. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) ("A district court has the power under Fed. R. Civ. P. 41(b) to dismiss an action for the plaintiff's failure to comply with any court order . . ."); *Dudley v. Miles*, 597 F. App'x 392 (8th Cir. 2015) (per curiam) (affirming dismissal of *pro se* litigant's complaint under Fed. R. Civ. P. 41(b) for failure to file an amended complaint).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

Dated this 8th day of November, 2022.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE