

2022 WL 19616212
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United States District
Court, District of Columbia.

Karl Ray **MASEK**, Plaintiff,
v.
Rob **ISONTA**, et al., Defendants.

Civil Action No. 1:22-cv-00575 (UNA)

|
Signed July 29, 2022

Attorneys and Law Firms

Karl Ray **Masek**, Annapolis, MD, Pro Se.

ORDER

CARL J. NICHOLS, United States District
Judge

*1 On February 24, 2022, plaintiff filed a *pro se* civil Complaint (“Compl.”), ECF No. 1, and application for leave to proceed *in forma pauperis* (“IFP”), ECF No. 2. On March 18, 2022, the Court issued an order (“Ord. I”), ECF No. 3, (1) denying without prejudice plaintiff’s IFP application because he had not provided any asset information sufficient to enable a proper assessment of his financial status, and ordering him, within 30 days, to either file a properly executed IFP motion along with a motion to reconsider the order, or to alternatively pay the \$402 filing fee, and (2) directing plaintiff to, within 30 days, file an amended complaint, setting forth his full residence address and the address of each

defendant, because this required information was absent from the original Complaint. Plaintiff was forewarned that failure to comply may result in dismissal of the case. *Id.* at 2.

On March 24, 2022, plaintiff filed a notice of change of address, ECF No. 4, setting forth his own residence address, and a motion to stay, ECF No. 5. The Court subsequently denied the motion to stay, but instead provided plaintiff with a 60-day extension by which to respond to the March 18, 2022 order. *See* Min. Ord. (Mar. 30, 2022). Plaintiff was again forewarned that failure to comply may result in dismissal of the case. *Id.*

On April 8, 2022, plaintiff filed another notice of change of address, ECF No. 6, again setting forth his own residence address, as well as a motion for reconsideration of the denial of his IFP application, ECF No. 7, and an amended motion to stay, ECF No. 8. On May 17, 2022, the Court granted the motion for reconsideration as to plaintiff’s IFP application because he had provided the necessary financial information and established that he qualified to proceed IFP pursuant to 28 U.S.C. § 1915(a)(1). *See* Order (“Ord. III”), ECF No. 10. The Court also denied the amended motion to stay because it received the amended motion *after* the date upon which plaintiff’s proposed stay would expire, rendering the request to moot. *See id.* at 2. In addition, the Court also noted that plaintiff had already been afforded with two generous extensions to comply with its directives, and that he was still obligated to file an amended complaint by May 31, 2022. *See id.* at 2–3. Plaintiff was once again forewarned that failure

to comply would result in dismissal of this case. *Id.* at 3.

On May 25, 2022, instead of filing an amended complaint as directed, plaintiff instead filed a notice (“Not.”), ECF No. 12, listing approximately 32 named individual and entity defendants and approximately 108 John and Jane Does. This notice is deficient. As plaintiff has already been advised, *see* Ord. I at 2, those filing *pro se in forma pauperis* must provide in the caption the name and full residence address or official address of each defendant, D.C. LCvR 5.1(c)(1). Not only does plaintiff's notice only provide addresses for some, but not all, of the named defendants, *see* Not. at 1–2, but as noted, plaintiff has attempted to sue unnamed parties, *see id.* at 1, contrary to the Court's Local Rules, *see* D.C. LCvR 5.1(c)(1). Additionally, the parties listed in plaintiff's notice are different than the defendants listed in the Complaint. *Compare* Compl. at 1, *with*

Not. at 1. But to date, plaintiff has not formally amended his Complaint, *see* Fed. R. Civ. P. 15(a)(1), despite explicit directives to do so, *see* Ord. I at 2; Ord. III at 3, and the Court is without *any* information as to the claims, or the basis of jurisdiction over same, against any of these new intended defendants.

***2** Accordingly, it is hereby

ORDERED that the Complaint, ECF No. 1, and this case, are **DISMISSED** without prejudice.

This is a final appealable order. *See* Fed. R. App. P. 4(a).

It is **SO ORDERED**.

All Citations

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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5257

September Term, 2022

1:22-cv-00575-UNA

Filed On: April 26, 2023

Karl Ray Masek,

Appellant

v.

Rob Isonta, Attorney General, et al.,

Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BEFORE: Pillard and Childs, Circuit Judges, and Sentelle, Senior Circuit Judge.

JUDGMENT

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's July 29, 2022 order be affirmed. The district court did not abuse its discretion by dismissing the case without prejudice after appellant twice failed to comply with court orders that he file a compliant amended complaint. See *Ripalda v. Am. Operations Corp.*, 977 F.2d 1464, 1466 (D.C. Cir. 1992). Although appellant has attached to his brief a proposed amended complaint, he did not file this complaint in district court and has not explained why he could not have timely done so.

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5257

September Term, 2022

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

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