

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

TURNER MYER, III,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2026-1302

Appeal from the United States Court of Federal Claims
in No. 1:25-cv-01193-ZNS, Judge Zachary N. Somers.

Decided: October 7, 2026

TURNER MYER, III, Houston, TX, pro se.

THOMAS J. ADAIR, Commercial Litigation Branch, Civil
Division, United States Department of Justice, Washing-
ton, DC, for defendant-appellee. Also represented by TARA
K. HOGAN, PATRICIA M. MCCARTHY, BRETT SHUMATE.

Before LOURIE, REYNA, and HUGHES, *Circuit Judges*.

PER CURIAM.

In March 2019, Turner Myer III filed a complaint in the United States District Court for the Eastern District of Texas, seeking review of a decision by the Air Force Board for Correction of Military Records. Shortly after filing, his complaint was transferred to the United States District Court for the District of Columbia and, eventually, to the United States Court of Federal Claims.

On July 17, 2025, the Court of Federal Claims ordered Mr. Myer to file a transfer or amended complaint pursuant to Rule 3.1 of the Rules of the United States Court of Federal Claims (RCFC)¹ on or before August 14, 2025. After that order was returned undeliverable, the trial court cured the delivery issue and ordered Mr. Myer to file the required transfer complaint by October 31, 2025. The trial court's order included a warning notifying Mr. Myer that failure to comply would result in dismissal of his complaint pursuant to RCFC 41(b). Mr. Myer later sought to file an unrelated document, prompting the trial court to sua sponte extend the deadline to file the transfer complaint to December 15, 2025, and to again warn Mr. Myer that failure to comply would result in dismissal. On December 22, 2025, after Mr. Myer failed to timely file the required transfer complaint, the trial court dismissed his complaint for failure to prosecute his claims pursuant to RCFC 41(b). *See* S.A. 53.² Mr. Myer timely appealed, and we have jurisdiction pursuant to 28 U.S.C. § 1295(a)(3).

We review the trial court's decision to dismiss for failure to prosecute for abuse of discretion. *Claude E. Atkins Enters., Inc. v. United States*, 899 F.2d 1180, 1183

¹ “Within 28 days after service of the notice of filing, the plaintiff must file an amended complaint, conforming to the requirements of RCFC 5.5(d)(1) and setting forth the claim or claims transferred.” RCFC 3.1(a)(4).

² Citations to S.A. refer to the supplemental appendix filed by the government. *See* ECF No. 14-2.

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(Fed. Cir. 1990). On appeal, Mr. Myer does not dispute the trial court's grounds for dismissal or otherwise suggest error in its dismissal for failure to prosecute. Instead, he argues the merits of the claims in his underlying lawsuit. *See, e.g.*, Appellant Br. 5–7 (arguing facts regarding his discharge from the Air Force), 8–9 (arguing discrimination).³ Nor do we see any basis for Mr. Myer's appeal: the trial court repeatedly ordered Mr. Myer to submit the required document and warned him that dismissal was the consequence for failure to comply. Under such circumstances, dismissal for failure to prosecute is within the trial court's discretion.

We have considered Mr. Myer's remaining arguments and find them unpersuasive. For the foregoing reasons, we *affirm*.

AFFIRMED

COSTS

No costs.

³ Citations to Mr. Myer's brief refer to the page numbers as designated by ECF.