

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Deborah Lee Roseboro v. Federick J. Baker, et al.

Roseboro · No. 25-CV-5418 · Decided November 24, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania grants Deborah Lee Roseboro leave to proceed in forma pauperis and deems her complaint filed. The court dismisses the complaint without prejudice, denies appointment of counsel as premature, and permits Roseboro to amend or notify the court that she intends to stand on the original complaint within thirty days.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Nitza I. Quiñones Alejandro
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	November 24, 2025
DOCKET	25-CV-5418
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff submitted a complaint, a motion to proceed in forma pauperis, and a motion to appoint counsel. The district court granted in forma pauperis status, deemed the complaint filed, dismissed the complaint without prejudice, permitted amendment, and denied appointment of counsel without prejudice.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation.

TOPICS

- motions to dismiss
- motion to amend
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- federal civil procedure
- pleading and amendment
- in forma pauperis proceedings
- appointment of counsel

QUESTIONS PRESENTED

1. Whether Roseboro should be granted leave to proceed in forma pauperis.
2. Whether the complaint should be dismissed without prejudice and Roseboro permitted to amend it.
3. Whether appointment of counsel should be denied as premature.
4. Whether a plaintiff who elects to stand on a defective complaint may be subject to a final dismissal without further analysis under the Poulis factors.

HOLDINGS

1. The motion to proceed in forma pauperis was granted pursuant to 28 U.S.C. § 1915, and the complaint was deemed filed.
2. The complaint was dismissed without prejudice, and Roseboro was granted thirty days to file a complete amended complaint identifying all defendants and stating the basis for each claim.
3. If Roseboro elects to stand on the complaint, or fails to respond to the order and thereby indicates an intent to stand on it, the court may issue a final dismissal; the six-factor Poulis analysis is not required in that circumstance.
4. The motion to appoint counsel was denied without prejudice as premature.

KEY QUOTATIONS

“If the plaintiff does not desire to amend, he may file an appropriate notice with the district court asserting his intent to stand on the complaint, at which time an order to dismiss the action would be appropriate.”
(Order ¶ 6)

“The six-factor test announced in Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984), is inapplicable to dismissal orders based on a plaintiff’s intention to stand on her complaint.” (Order ¶ 7 n.1)

FACTUAL BACKGROUND

Deborah Lee Roseboro filed a civil complaint together with a motion to proceed in forma pauperis and a motion to appoint counsel. The order does not state the underlying substantive facts or claims, referring instead to an accompanying memorandum for the reasons for dismissal. The court allowed Roseboro to file an amended complaint identifying each defendant and stating the basis for each claim.

PROCEDURAL HISTORY

The action was initiated in the Eastern District of Pennsylvania by a self-represented plaintiff. On consideration of the initial filings, the court granted leave to proceed in forma pauperis and dismissed the complaint without prejudice, allowing thirty days to file a complete amended complaint. The court directed that service would not issue unless ordered and denied the motion to appoint counsel as premature.

DISPOSITION

dismissed

CASES CITED

- Weber v. McGrogan, 939 F.3d 232, 239-41 (3d Cir. 2019)
- Borelli v. City of Reading, 532 F.2d 950, 951 n.1 (3d Cir. 1976)
- In re Westinghouse Securities Litigation, 90 F.3d 696, 703-04 (3d Cir. 1996)
- Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984)
- Elansari v. Altria, 799 F. App'x 107, 108 n.1 (3d Cir. 2020) (per curiam)
- Dickens v. Danberg, 700 F. App'x 116, 118 (3d Cir. 2017) (per curiam)
- Baker v. Accounts Receivables Mgmt., Inc., 292 F.R.D. 171, 175 (D.N.J. 2013)

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