

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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA DEBORAH LEE ROSEBORO: CIVIL ACTION Plaintiff: v.: NO. 25-CV-5418 FEDERICK J. BAKER, et al.,: Defendants: O R D E R AND NOW, this 21st day of November 2025, upon consideration of Plaintiff Debora Lee Roseboro's Motion to Proceed In Forma Pauperis, (ECF No. 1), Complaint (ECF No. 2), and Motion to Appoint Counsel (ECF No. 3), it is hereby ORDERED that: 1.

Motion for leave to proceed in forma pauperis is GRANTED pursuant to 28 U.S.C. § 1915. 2. The Complaint is DEEMED filed. 3. The Complaint is DISMISSED, without prejudice, for the reasons set forth in the accompanying Memorandum. 4. Roseboro may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Roseboro's claims against each defendant.

The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting her amended complaint, Roseboro should be mindful of the Court's reasons for dismissing the claims in her initial Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so ORDERED by the Court.

5. The Clerk of Court is DIRECTED to send Roseboro a blank copy of this Court's current standard form to be used by a self-represented litigant filing an employment discrimination action bearing the above-captioned civil action number. Roseboro may use this form to file her amended complaint if she chooses to do so. 6. If Roseboro does not wish to amend her Complaint and instead intends to stand on her Complaint as originally pled, she may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will issue a final order dismissing the case.

Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case. See Weber v. McGrogan, 939 F.3d 232, 241 (3d Cir. 2019) ("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.” (quoting *Borelli v. City of Reading*, 532 F.2d 950, 951 n.1 (3d Cir.

1976))); *In re Westinghouse Sec. Litig.*, 90 F.3d 696, 703-04 (3d Cir. 1996) (holding “that the district court did not abuse its discretion when it dismissed with prejudice the otherwise viable claims... following plaintiffs’ decision not to replead those claims” when the district court “expressly warned plaintiffs that failure to replead the remaining claims... would result in the dismissal of those claims”).

7. If Roseboro fails to file any response to this Order, the Court will conclude that she intends to stand on her Complaint and will issue a final order dismissing this case.¹ See *Weber*, 1 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.

See *Weber*, 939 F.3d at 241 & n.11 (treating the “stand on the complaint” doctrine as distinct from dismissals under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order, which require assessment of the Poulis factors); see also *Elansari v. Altria*, 799 F. App’x 107, 108 n.1 (3d Cir. 2020) (per curiam). Indeed, an analysis under Poulis is not required when a plaintiff willfully abandons 939 F.3d at 239-40 (explaining that a plaintiff’s intent to stand on his complaint may be inferred from inaction after issuance of an order directing him to take action to cure a defective complaint).

8. The Motion to Appoint Counsel (ECF No. 3) is DENIED, without prejudice, as premature. BY THE COURT: /s/ Nitza I. Quiñones Alejandro NITZA I. QUIÑONES ALEJANDRO Judge, United States District Court the case or makes adjudication impossible, as would be the case when a plaintiff opts not to amend her complaint, leaving the case without an operative pleading.

See *Dickens v. Danberg*, 700 F. App’x 116, 118 (3d Cir. 2017) (per curiam) (“Where a plaintiff’s conduct clearly indicates that he willfully intends to abandon the case, or where the plaintiff’s behavior is so contumacious as to make adjudication of the case impossible, a balancing of the Poulis factors is not necessary.”); *Baker v. Accounts Receivables Mgmt., Inc.*, 292 F.R.D.

171, 175 (D.N.J. 2013) (“[T]he Court need not engage in an analysis of the six Poulis factors in cases where a party willfully abandons her case or otherwise makes adjudication of the matter impossible.” (citing cases)).