

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Deborah Lee Roseboro v. Executive Office of the United States
Department of Justice, et al.

Roseboro · No. 25-CV-5418 · Decided January 13, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania dismissed Deborah Lee Roseboro’s amended complaint without prejudice. The court permitted Roseboro to file a second amended complaint within thirty days, denied her renewed in forma pauperis motion as moot, and denied her renewed motion for appointment of counsel as premature.

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	January 13, 2026
DOCKET	25-CV-5418
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court considered Plaintiff's amended complaint and her second motions for leave to proceed in forma pauperis and to appoint counsel.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Deborah Lee Roseboro v. Executive Office of the United States Department of Justice, United States Trustee's Office, et al.

TOPICS

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

PRACTICE AREAS

- civil procedure
- civil rights
- employment law

QUESTIONS PRESENTED

1. Whether the amended complaint should be dismissed without prejudice and Roseboro permitted to file a further amended complaint.
2. Whether Roseboro's second motion for leave to proceed in forma pauperis should be granted when she had already been granted in forma pauperis status.
3. Whether Roseboro's second motion to appoint counsel should be granted at that stage of the proceedings.
4. Whether a plaintiff may elect to stand on a defective complaint and, if so, whether failure to respond may be treated as an indication of that intent.

HOLDINGS

1. The amended complaint was dismissed without prejudice, and Roseboro was permitted thirty days to file a complete second amended complaint identifying every defendant and stating the basis for each claim.
2. A plaintiff who does not wish to amend may file an appropriate notice stating an intent to stand on the complaint, after which dismissal is appropriate; failure to respond to an order providing that choice may permit the court to infer an intent to stand on the complaint.
3. The second motion for leave to proceed in forma pauperis was denied as moot because Roseboro had already been granted leave to proceed in forma pauperis.
4. The second motion to appoint counsel was denied without prejudice as premature.
5. The six-factor test from *Poulis* is not required for a dismissal based on a plaintiff's decision to stand on a complaint or willful abandonment that leaves the case without an operative pleading.

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."

"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"

"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."

FACTUAL BACKGROUND

Roseboro brought an action naming federal government-related defendants, including the Executive Office of the United States Department of Justice and the United States Trustee's Office. She filed an amended complaint and sought both renewed in forma pauperis status and appointment of counsel. The order indicates that the action concerns employment discrimination because the clerk was directed to send Roseboro the court's standard form for a self-represented litigant filing an employment discrimination action.

PROCEDURAL HISTORY

Roseboro filed an amended complaint after previously initiating the action and had already been granted leave to proceed in forma pauperis. The court dismissed the amended complaint without prejudice, denied the renewed in forma pauperis motion as moot, denied the renewed motion to appoint counsel without prejudice as premature, and granted Roseboro thirty days to file a second amended complaint or notify the court that she would stand on the amended complaint.

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)
- Weber v. McGrogan, 939 F.3d 232, 241 & n.11 (3d Cir. 2019)
- 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 Management, 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 EXECUTIVE OFFICE OF THE: UNITED STATES DEPARTMENT: OF JUSTICE, et al.,: Defendants: O R D E R AND NOW, this 13th day of January 2026, upon consideration of Plaintiff Debora Lee Roseboro's Amended Complaint (ECF No. 9), Second Motion for Leave to Proceed In Forma Pauperis (ECF No. 8), and Second Motion to Appoint Counsel (ECF No. 10), it is hereby ORDERED that: 1.

The Amended Complaint is DISMISSED, without prejudice, for the reasons set forth in the accompanying Memorandum. 2. The Clerk of the Court is DIRECTED to ADD the following Defendants to the docket: (1) the Executive Office of the United States Department of Justice; and (2) the United States Trustee's Office.

The Clerk of Court is further DIRECTED to TERMINATE the following Defendants from the docket: (1) Frederick J. Baker, and (2) Andrew R. Vara. 3. Roseboro may file a second amended complaint within thirty (30) days of the date of this Order. Any second amended complaint must identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint and shall state the basis for Roseboro's claims against each defendant.

The second amended complaint shall be a complete document that does not rely on the initial Complaint, the Amended Complaint, or other papers filed in this case to state a claim. When drafting her second 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 a second amended complaint, the Clerk shall not make service until so ORDERED by the Court. 4. 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 second amended complaint if she chooses to do so.

5. If Roseboro does not wish to file a second amended complaint and instead intends to stand on her Amended 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 Amended 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"). 6. If Roseboro fails to file any response to this Order, the Court will conclude that she intends to stand on her Amended Complaint and will issue a final order dismissing this case.¹ See *Weber*, 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).

7. The Second Motion for Leave to Proceed In Forma Pauperis (ECF No. 8), is DENIED as moot, as Roseboro has already been granted leave to proceed in forma pauperis. 8. The Second Motion to Appoint Counsel (ECF No. 10) is DENIED, without prejudice, as premature. BY THE COURT: /s/ Nitza I. Quiñones Alejandro NITZA I. QUIÑONES ALEJANDRO Judge, United States District Court 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 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)).