

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Stephen Therien v. US Coachways, Inc., et al.

Therien · No. Civil Action No. 24-7549 (RK) (RLS) · Decided January 13, 2026

SUMMARY

The United States District Court for the District of New Jersey dismissed Stephen Therien’s employment-related action without prejudice for lack of prosecution and failure to comply with multiple court orders. The court applied Federal Rule of Civil Procedure 41(b), Local Civil Rule 41.1(a), and the Poulis factors, finding that Plaintiff repeatedly failed to communicate, respond to orders, or otherwise prosecute the case. The Clerk was directed to close the case and mail the Memorandum Order to Plaintiff.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Robert Kirsch
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	January 13, 2026
DOCKET	Civil Action No. 24-7549 (RK) (RLS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The federal district court sua sponte dismissed the removed employment action without prejudice for failure to prosecute and failure to comply with multiple court orders.
STANDARD OF REVIEW	A district court may sua sponte dismiss an action under Federal Rule of Civil Procedure 41(b) for failure to prosecute or failure to comply with a court order. In the Third Circuit, dismissal is evaluated under the six Poulis factors, although balancing is unnecessary when a plaintiff willfully refuses to prosecute and adjudication has become impossible.
PRECEDENTIAL VALUE	unpublished and nonprecedential memorandum order

TOPICS

- civil procedure
- sanctions
- family and medical leave act
- employment law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed sua sponte under Federal Rule of Civil Procedure 41(b) and Local Civil Rule 41.1(a) for Plaintiff's failure to prosecute.
2. Whether Plaintiff's repeated failure to comply with court orders warranted dismissal without prejudice under the applicable Third Circuit standards.

HOLDINGS

1. A district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when the plaintiff repeatedly fails to prosecute the case or comply with court orders, and Plaintiff's repeated noncompliance and prolonged inactivity warranted dismissal.
2. Dismissal was also appropriate after consideration of the six Poulis factors because Plaintiff was personally responsible, his conduct prejudiced Defendants, he had a history of dilatoriness, his noncompliance was willful, alternative sanctions were ineffective, and the merits factor could not be meaningfully evaluated.

KEY QUOTATIONS

"The Court finds that Plaintiff's failure to comply with multiple court orders and ongoing "refus[al] to proceed with his case" has "ma[de] adjudication ... impossible," thus warranting dismissal of this action without any balancing of the relevant factors" (Memorandum Order at 3)

"For the foregoing reasons, Plaintiff's complaint is dismissed. In recognition of his pro se status, and despite the many chances given to Plaintiff already, this dismissal is without prejudice." (Memorandum Order at 5)

FACTUAL BACKGROUND

Plaintiff's counsel withdrew on August 22, 2025, after which Plaintiff was ordered to obtain new counsel or notify the court that he would proceed pro se. Plaintiff did neither and failed to respond to several subsequent orders directing him and the parties to provide status updates. Despite receiving mailed copies of the relevant orders and a final opportunity to show cause, Plaintiff took no action and did not explain his nonprosecution.

PROCEDURAL HISTORY

Plaintiff filed the action in New Jersey state court in May 2024, asserting claims under the Family and Medical Leave Act, the New Jersey Law Against Discrimination, and the New Jersey Wage Payment Law. Defendants removed the action to the District of New Jersey under 28 U.S.C. § 1441(a). After discovery deadlines were held in abeyance, Plaintiff's counsel withdrew, and Plaintiff failed to obtain new counsel, notify the court that he would proceed pro se, respond to status-letter orders, or answer a final order to show cause. The court dismissed the complaint without prejudice under Local Civil Rule 41.1(a) and Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- *Abulkhair v. New Century Fin. Servs. Inc.*, 467 F. App'x 151, 153 (3d Cir. 2012)
- *Spain v. Gallegos*, 26 F.3d 439, 455 (3d Cir. 1994)
- *Iseley v. Bitner*, 216 F. App'x 252, 255 (3d Cir. 2007) (per curiam)
- *Emerson v. Thiel Coll.*, 296 F.3d 184, 190-91 (3d Cir. 2002) (per curiam)
- *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984)
- *Anthony Hildebrand v. County of Allegheny*, *Hildebrand v. Allegheny County*, 923 F.3d 128, 132 (3d Cir. 2019)
- *Kellner v. EV 1000 LLC*, No. 22-5753, 2024 WL 1956196, at *3-*4 (D.N.J. Apr. 16, 2024)
- *Duda v. Rentokil N. Am., Inc.*, No. 18-13930, 2020 WL 1227526, at *3 (D.N.J. Mar. 12, 2020)
- *Opta Sys., LLC v. Daewoo Elecs. Am.*, 483 F. Supp. 2d 400, 405-06 (D.N.J. 2007)

OPINION

THERIEN

PER CURIAM.

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

STEPHEN THERIEN,

Plaintiff, Civil Action No. 24-7549 (RK) (RLS) Vv.

US COACHWAYS, INC, et al., MEMORANDUM ORDER

Defendants, KIRSCH, District Judge On December 22, 2025, the Court ordered pro se Plaintiff Stephen Therien ("Plaintiff") to show cause, by January 5, 2026, "why this case should not be dismissed pursuant to Local Civil Rule 41.1(a) and Federal Rule of Civil Procedure 41(b) for lack of prosecution and failure to comply with court orders." ("Order to Show Cause," ECF No. 25.) To date, Plaintiff has failed to do so. Moreover, many months have passed since Plaintiff took any action in his case. (See, e.g., ECF Nos. 18, 19.) Accordingly, and for the reasons set forth below, the Court DISMISSES this action. In May of 2024, Plaintiff, then represented by counsel, filed suit in state court, alleging violations of the Family and Medical Leave Act, New Jersey Law Against Discrimination, and New Jersey Wage Payment Law by Defendants US Coachways, Inc., U.S. Bus Charter & Limo, Inc., and "John Does 1-5 and 6-10." (ECF No. 1-1.) Defendants US Coachways, Inc., and U.S. Bus Charter & Limo, Inc. ("Defendants") removed the action to this Court on July 3, 2024, pursuant to 28 U.S.C. § 1441(a). (ECF No. 1.) Following several months of discovery, (see ECF Nos. 10, 12), the parties' discovery deadlines were held in abeyance, (see ECF Nos. 13, 16). On May 27, 2025, Plaintiff's counsel moved to withdraw pursuant to New

Jersey Rule of Professional Conduct 1.16(b). (ECF No. 17.) On August 22, 2025, the Honorable Rukhsanah L. Singh, U.S.M.J., found good cause to grant Plaintiff counsel's motion, (ECF No. 18 at 2), and instructed that Plaintiff "must have new counsel enter their appearance or notify the Court if he intends to proceed pro se by no later than September 12, 2025," (Id. at 3). That was the first court order with which Plaintiff failed to comply. On September 16, 2025, when Plaintiff had neither identified new counsel nor notified the Court of his pro se status, Judge Singh directed the Clerk of the Court to "designate Plaintiff as proceeding pro se at this time." (ECF No. 19.) Judge Singh further ordered "[t]he parties" to "file a letter regarding the status of this matter by September 30, 2025." (Id.) That marked the second court order with which Plaintiff failed to comply. On September 30, Defendants alone filed a status update letter advising of Plaintiff's "failure to attempt to communicate with [Defendants]" and stating that Defendants had "no indication that Plaintiff intends to continue prosecuting this matter." (ECF No. 20.) This Court then ordered Plaintiff to file a letter by November 11, 2025, "indicating whether he intends to continue prosecuting this case." (ECF No. 21.) Plaintiff failed to comply with the Court's order, now for the third time. On October 30, 2025, Plaintiff's former counsel filed a letter requesting an extension of Plaintiff's deadline. (ECF No. 22.) On December 4, 2025, when Plaintiff's former counsel advised that his firm had only recently learned of the Court's August 2025 order granting his motion to withdraw as counsel and provided Plaintiff with a copy thereof. (ECF No. 22.) This circumstance does not negate Plaintiff's non-prosecution and noncompliance with the Court's September and October 2025 orders, and it certainly does not explain or excuse Plaintiff's continued non-prosecution and noncompliance in the months since. True, the August 2025 order had instructed Plaintiff's former counsel to provide Plaintiff with a copy of the order and to advise Plaintiff that he must identify new counsel or notify the Court of his intention to proceed pro se, (ECF No. 18 at 3.) However, a copy of that order was also mailed directly to Plaintiff, (Notice of Electronic Filing for ECF No. 18), as were the Court's September and October 2025 orders, (ECF Nos. 19, 21), and Defendants' September 2025 status update letter (ECF No. 22). The September 2025 order then reiterated Plaintiff's prior counsel's withdrawal and expressly designated Plaintiff as Plaintiff had still failed to file the court-ordered letter or to otherwise take any action in his case, Judge Singh issued another order for "[t]he parties" to file a "joint status letter" by December 15, 2025, (ECF No. 23.) Plaintiff again failed to comply, On December 15, Defendants alone filed a status update letter advising that "[t]he status of this matter has not changed since Defendants' September 30, 2025 update" and that they still had received no communication from Plaintiff and "still ha[d] no indication that Plaintiff intends to continue prosecuting this matter." (ECF No. 24.) Most recently, on December 22, 2025, the Court gave Plaintiff a final chance. (ECF No. 25.) The Court ordered Plaintiff to show cause, by January 5, 2026, "why this case should not be dismissed pursuant to Local Civil Rule 41.1(a) and Federal Rule of Civil Procedure 41(b) for lack of prosecution and failure to comply with court orders." (Id.) The Court specified that "[a] failure to file a show-cause response by January 5, 2026, or an inadequate show-cause response, will result

in dismissal of this case.” (fd.) Plaintiffs final deadline has come and gone without any response. He has thus failed to comply with, by the Court’s count, a fifth court order, (ECF Nos. 18, 19, 21, 23, 25), and has failed to take any action in his case since the withdrawal of his former counsel on August 22, 2025, (ECF No. 18), and his designation as pro se on September 16, 2025, (ECF No. 19). He has likewise failed to show cause why this case should not be dismissed pursuant to Local Civil Rule 41.1(a) and Federal Rule of Civil Procedure 41(b), despite being warned that such failure “will result in dismissal of this case.” (ECF No. 25); see *Abulkhair v. New Century Fin. Servs. Inc.*, 467 F. App’x proceeding pro se, and both the September and October orders gave Plaintiff clear instructions as to his obligations and next steps. Further, and even assuming that, notwithstanding these clear instructions, Plaintiff was unaware of or confused about his pro se status and obligations until his former counsel contacted him in late October 2025, his noncompliance and non-prosecution has continued to date, 151, 153 Gd Cw, 2012) (explaining that Federal Rule of Civil Procedure 41(b) permits sua sponte dismissal upon a plaintiffs failure to prosecute or to comply with a court order). The Court finds that Plaintiff’s failure to comply with multiple court orders and ongoing “refus[al] to proceed with his case” has “ma[de] adjudication ... impossible,” thus warranting dismissal of this action without any balancing of the relevant factors, *Abu/khair*, 467 F. App’x at 153, see *Spain v. Gallegos*, 26 F.3d 439, 455 (3d Cir. 1994) (affirming sua sponte dismissal and noting that, “in contrast to situations in which a court must balance factors because the plaintiff does not desire to abandon her case,” balancing the factors is not necessary where a plaintiff willfully refuses to prosecute); [*seley v. Bitner*, 216 F. App’x 252, 255 (3d Cir. 2007) (per curiam)]. Dismissal is equally appropriate under the relevant factors, which the Court will briefly address for the sake of completeness and given Plaintiff’s pro se status, See *Emerson v. Thiel Coll*, 296 F.3d 184, 190 (3d Cir. 2002) (per curiam) (outlining six factors district courts balance when assessing appropriateness of dismissal under Rule 41(b): the extent of the party’s personal responsibility, prejudice to the opposing party caused by the at-issue conduct, history of dilatoriness, willfulness or bad faith of the at-issue conduct, effectiveness of alternative sanctions, and meritoriousness of the plaintiffs underlying claim (citing *Poulis vy. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir, 1984))); see also *Hildebrand v. Allegheny County*, 923 F.3d 128, 132 (3d Cir, 2019) (“None of the Poulis factors is alone dispositive, and it is also true that not all of the factors need to be satisfied to justify dismissal of a complaint for lack of prosecution.”), Plaintiff himself, and not his former counsel, is personally responsible for his failures to comply and to prosecute. See supra note 1; *Emerson*, 296 F.3d at 190-91, These failures have in turn “unduly prejudiced” Defendants by “subject[ing] Defendants to an indefinite delay in reaching the merits of this matter.” *Kellner vy, EV 1000 LLC*, No. 22-5753, 2024 WL 1956196, at *3 (D.N.J. Apr. 16, 2024) (citing *Duda v. Rentokil N. Am., Inc.*, No. 18-13930, 2020 WL 1227526, at *3 (D.N.J. Mar. 12, 2020)), report and recommendation adopted, 2024 WL. 2057296 (D.N.J. May 8, 2024); see *Opta Sys., LLC vy, Daewoo Elecs, Am.*, 483 F. Supp. 2d 400, 405 (D.N.J. 2007) (“[T]}his case has been at a virtual stand still for over four months which has prejudiced

Defendants.”). Likewise, Plaintiff’s many opportunities and repeated failures to prosecute his case and to respond to court orders establish a clear history of dilatoriness and demonstrate both willfulness and the ineffectiveness of alternative sanctions. See *Opta Sys.*, 483 F. Supp. 2d at 405. The Court lacks sufficient information to evaluate the final factor, the merits of Plaintiff’s claims, “in large part because of Plaintiff’s] lack of participation in this action.” Kellner, 2024 WL 1956196, at *4. Regardless, and even assuming that Plaintiff’s claims have merit, dismissal is plainly appropriate here. See *Opta Sys.*, 483 F. Supp. 2d at 405-06 (“The Court assumes in evaluating the sixth Poulis factor that Plaintiff’s claim has merit... . Nonetheless, the inclusion of this factor is largely neutral and does not change the Court’s conclusion that the balance of the factors supports dismissal of this action.”). For the foregoing reasons, Plaintiff’s complaint is dismissed. In recognition of his pro se status, and despite the many chances given to Plaintiff already, this dismissal is without prejudice. THEREFORE, it is on this 13th day of January, 2026, ORDERED that: I Plaintiff’s Complaint, (ECF No. 1), is DISMISSED without prejudice; I The Clerk of the Court is directed to CLOSE this case; and I. The Clerk shall mail a copy of this Memorandum Order to Plaintiff’s address of record. Lo) ee / Lf | a Roser’ Kirsu _

UNITED STATES DISTRICT JUDGE