

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PRECEDENTIAL VALUE	unpublished and nonprecedential memorandum order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)

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