

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Mark Yarbrough, Sr. v. Officer W. Bakewell, et al.

Yarbrough · No. 2:23-cv-342 · Decided January 23, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania adopted a magistrate judge’s Report and Recommendation and dismissed Mark Yarbrough, Sr.’s civil action with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a show-cause order. The court also dismissed the defendants’ motion for summary judgment as moot and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Robert J. Colville
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	January 23, 2026
DOCKET	2:23-cv-342
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a show-cause order.
STANDARD OF REVIEW	For objections to a magistrate judge's disposition of a dispositive matter, the district court conducts de novo review of the portions to which objections are made. Even absent objections, the court affords reasoned consideration to dispositive legal issues raised by the report and recommendation.
PRECEDENTIAL VALUE	unknown

TOPICS

- civil procedure
- civil rights
- prisoners rights
- summary judgment

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation despite the absence of objections.
2. Whether dismissal with prejudice under Federal Rule of Civil Procedure 41(b) was warranted for Plaintiff's failure to prosecute and failure to comply with the show-cause order.
3. Whether Defendants' pending motion for summary judgment should be dismissed as moot following dismissal of the action.

HOLDINGS

1. The district court may accept and adopt the magistrate judge's Report and Recommendation after applying the required review standard, including reasoned consideration of dispositive legal issues when no objections are filed.
2. Dismissal with prejudice under Federal Rule of Civil Procedure 41(b) was warranted because Plaintiff failed to prosecute the action and failed to comply with the show-cause order.
3. Defendants' motion for summary judgment was dismissed as moot after the action was dismissed with prejudice.

KEY QUOTATIONS

“This case is hereby dismissed with prejudice pursuant to Rule 41(b) for failure to prosecute.”

“The Court agrees with the thorough and well-reasoned analysis set forth in Judge Taylor’s Report and Recommendation, and the Court accepts and adopts Judge Taylor’s Report and Recommendation in its entirety as the opinion of the Court.”

FACTUAL BACKGROUND

Plaintiff failed to prosecute the action and failed to comply with Magistrate Judge Taylor's show-cause order. The Report and Recommendation mailed to Plaintiff's address of record was returned as undeliverable, and the court noted that Plaintiff had a continuing obligation under a standing order to keep his address current.

PROCEDURAL HISTORY

Magistrate Judge Kezia O. L. Taylor issued a December 6, 2025 Report and Recommendation recommending dismissal with prejudice because Plaintiff failed to prosecute and failed to comply with the Court's show-cause order. No objections were filed by the December 23, 2025 deadline. The district court gave the recommendation reasoned consideration, adopted it in its entirety, dismissed the case with prejudice, directed the Clerk to close the case, and dismissed Defendants' motion for summary judgment as moot.

DISPOSITION

dismissed

CASES CITED

- Equal Employment Opportunity Comm’n v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017)
- Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987)

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