

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)

OPINION

YARBROUGH

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARK YARBROUGH, SR.,)

)) No. 2:23-cv-342 Plaintiff,)) vs.) District Judge Robert J. Colville) OFFICER W.
BAKEWELL, et al.,) Magistrate Judge Kezia O. L. Taylor) Defendants.))

ORDER OF COURT

Currently pending before the Court is the Report and Recommendation (ECF No. 103) filed by the Honorable Kezia O. L. Taylor in the above-captioned matter. Judge Taylor’s December 6, 2025 Report and Recommendation recommends that the Court dismiss the above-captioned matter with prejudice pursuant to Federal Rule of Civil Procedure 41(b) due to Plaintiff’s failure to prosecute and for his failure to comply with Judge Taylor’s Show Cause Order (ECF No. 100). Objections to Judge Taylor’s Report and Recommendation were due by December 23, 2025. No objections have been filed to date.¹ The Court considers this matter to be ripe for disposition. ¹ It bears noting that the copy of Judge Taylor’s Report and Recommendation that was mailed to Plaintiff’s address of record was returned to the Court, with the envelope indicating that the mailing was undeliverable and unable to be forwarded. This has no impact on the Court’s consideration of Judge Taylor’s Report and Recommendation, as Plaintiff was explicitly advised as follows by a Standing Order entered in this matter: The plaintiff is under a continuing obligation to notify the Court of any change of his/her address by filing a separate document entitled “Notice of Change of Address.” Failure to do so may result in the dismissal of this case if the Court or defendant(s) are not able to serve documents upon the plaintiff because he/she has not kept his/her address of record current. ECF No. 15 at ¶ 17. Further, Plaintiff has filed two change of address notices in this case (ECF Nos. 65 and 66), displaying that he is aware of his obligations. If anything, the return of the Report and Recommendation as undeliverable supports a finding that Plaintiff has displayed a pattern of dilatoriness and that his actions are willful. Objections to a magistrate judge’s disposition of a dispositive matter are subject to de novo review before the district judge. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). The reviewing district court must make a de novo determination of those portions of the magistrate judge’s report and recommendation to which objections are

made. Id. Following de novo review, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)). Upon reasoned consideration of Judge Taylor’s Report and Recommendation and following review of the relevant docket entries, it is hereby ORDERED as follows: 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. This case is hereby dismissed with prejudice pursuant to Rule 41(b) for failure to prosecute. The Clerk of Court shall mark this case as closed. Defendants’ Motion for Summary Judgment (ECF No. 93) is dismissed as moot. BY THE COURT: /s/Robert J. Colville_____ Robert J. Colville United States District Judge
DATED: January 23, 2026 cc/ecf: All counsel of record Mark Yarbrough, Sr. QQ4972 SCI Laurel Highlands 5706 Glades Pike P.O. Box 631 Somerset, PA 15501