

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Trenton John Tompkins v. Kenneth Rodgers, William Sherman,
Michael Peters, and Anthony Gioan

Tompkins · No. 2:19-CV-1089 · Decided December 15, 2025

SUMMARY

The United States District Court for the Western District of Pennsylvania denied without prejudice the defendants’ motion to dismiss Trenton Tompkins’s action for failure to prosecute. Applying the six Poulis factors, the court found substantial noncompliance and prejudice but concluded that dismissal was not warranted as an extreme sanction, particularly because the claims had arguable merit and bad faith was not established. The court warned that any further missed court appearances or deadlines would likely result in dismissal.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	J. Nicholas Ranjan
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	December 15, 2025
DOCKET	2:19-CV-1089
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 41(b) to dismiss the pro se plaintiff's civil-rights action for failure to prosecute and failure to comply with court orders. The court evaluated the motion under the six Poulis factors and denied it without prejudice.
STANDARD OF REVIEW	The court weighed the six Poulis factors to determine whether dismissal under Rule 41(b) was warranted. Dismissal for failure to prosecute is a harsh remedy reserved for extreme cases.
PRECEDENTIAL VALUE	unpublished

TOPICS

- motions to dismiss
- sanctions
- civil procedure
- civil rights

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff's failure to comply with pretrial deadlines and failure to appear at final pretrial conferences justified dismissal under Federal Rule of Civil Procedure 41(b).
2. Whether the six Poulis factors, considered collectively, established the extreme circumstances necessary for dismissal for failure to prosecute.
3. Whether sanctions short of dismissal remained available and potentially effective.

HOLDINGS

1. Dismissal without prejudice was not warranted because Plaintiff's substantial noncompliance did not rise to the extreme level required for dismissal under Rule 41(b).
2. Alternative sanctions were neutral at that stage because, although monetary sanctions would likely be ineffective against a pro se litigant proceeding in forma pauperis, a final warning sanction remained available.

KEY QUOTATIONS

"Although Mr. Tompkins's failures to comply with this Court's orders are substantial, they do not rise to the "extreme" level required to grant a motion to dismiss under the Poulis factors."

"Considering these factors as a whole, the Court finds that the "extreme" sanction of dismissal is not warranted"

FACTUAL BACKGROUND

Pro se Plaintiff Trenton Tompkins missed multiple pretrial deadlines, including deadlines to file an exhibit list and responses or objections concerning motions in limine, proposed voir dire, jury instructions, and the verdict slip. He failed to appear for a final pretrial conference despite advance notice and failed to appear again after the court attempted to accommodate him by converting the conference to a telephone conference. He had also previously missed a deposition and arrived more than an hour late to a settlement conference, although he eventually responded to a show-cause order and had some triable claims.

PROCEDURAL HISTORY

During pretrial proceedings, Plaintiff missed multiple deadlines, failed to file several documents required by the pretrial order, and failed to appear for two scheduled final pretrial conferences, causing the trial to be postponed. Defendants moved to dismiss for failure to prosecute. The court previously denied Defendants' motion for summary judgment as to Plaintiff's excessive-force, assault, and battery claims, and in this order denied the Rule 41(b) motion without prejudice.

DISPOSITION

dismissed

CASES CITED

- Mindek v. Rigatti, 964 F.2d 1369, 1373 (3d Cir. 1992)
- Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 868, 870 (3d Cir. 1984)
- Briscoe v. Klaus, 538 F.3d 252, 262-63 (3d Cir. 2008)
- In re Avandia Marketing, Sales Practices & Products Liability Litigation, 687 F. App'x 210, 214 (3d Cir. 2017)
- Emerson v. Thiel College, 296 F.3d 184, 190 (3d Cir. 2002)
- Ware v. Rodale Press, Inc., 322 F.3d 218, 222 (3d Cir. 2003)
- Adams v. Trustees of the New Jersey Brewery Employees' Pension Trust Fund, 29 F.3d 863, 874-75 (3d Cir. 1994)
- National Hockey League v. Metropolitan Hockey Club, Inc., 427 U.S. 639, 643 (1976)
- Scarborough v. Eubanks, 747 F.2d 871, 875 (3d Cir. 1984)
- Nieves v. Thorne, 790 F. App'x 355, 358 (3d Cir. 2019)

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