

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

John Cecot, Jr. v. CO Zielinski

No. 25-CV-148, United States District Court for the Eastern District of Wisconsin (April 13, 2026)

SUMMARY

The United States District Court for the Eastern District of Wisconsin grants the defendant's motion to dismiss under Federal Rules of Civil Procedure 37 and 41(b). The case is dismissed with prejudice because the pro se plaintiff failed to participate in discovery, update his address, and respond to communications.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	April 13, 2026
DOCKET	25-CV-148
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss the prisoner's civil-rights action for failure to participate in discovery, failure to respond to discovery requests, and failure to maintain a current address. The district court granted the motion and dismissed the action with prejudice.
PRECEDENTIAL VALUE	Unknown; district court order with no reported citation.
PARTIES	John Cecot, Jr. v. CO Zielinski

TOPICS

- motions to dismiss
- discovery dispute
- sanctions
- civil procedure
- final judgment rule

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- discovery sanctions
- failure to prosecute

QUESTIONS PRESENTED

1. Whether the action should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) because the plaintiff failed to participate in discovery and failed to maintain a current address.

HOLDINGS

1. A district court may dismiss an action with prejudice under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to respond to discovery, becomes unreachable, and fails to comply with an order or warning requiring the plaintiff to maintain a current address.

KEY QUOTATIONS

“Usually, the court would give Cecot one final opportunity to either respond to discovery or file a letter explaining why he cannot. However, the court notes that it has tried to mail Cecot several filings and they were returned. As such, the court will grant Zielinski’s motion to dismiss. Dismissal is with prejudice.”

FACTUAL BACKGROUND

The defendant served discovery requests on October 16, 2025, and Cecot later appeared for his December 18, 2025 deposition, where he acknowledged receiving the requests and obtained a thirty-day extension to respond. Cecot did not provide responses by the January 22, 2026 deadline, did not file the promised motion for an additional extension, became unreachable, and failed to update his address despite a prior warning that the case could be dismissed.

PROCEDURAL HISTORY

After being released from custody, Cecot failed to provide the court with an updated address and did not serve discovery responses by the extended deadline agreed to by the defendant. The defendant moved to dismiss under Federal Rules of Civil Procedure 37 and 41(b). The court granted the motion, dismissed the case with prejudice, and directed the Clerk to enter judgment.

DISPOSITION

dismissed

CASES CITED

- Ledford v. Waldo, No. 23-2463, 2024 WL 1104785, at *2 (7th Cir. Mar. 14, 2024)

OPINION

Cecot
PER CURIAM.
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
JOHN CECOT, JR.,
Plaintiff, v. Case No. 25-CV-148
CO ZIELINSKI,
Defendant.
ORDER

On February 9, 2026, the defendant, CO Zielinski, filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 37 and 41(b) because the pro se plaintiff, John Cecot, Jr., is not participating in discovery, failed to update his address, and is not responding to attempts to contact him. (ECF No. 26.) Zielinski states that he served discovery upon Cecot on October 16, 2025. (ECF No. 26 at 2.) At that time, Cecot had been released from custody, so Zielinski sent the discovery to the home address his lawyer had on file. This discovery was returned for an insufficient address. Curiously, Cecot appeared for his deposition on December 18, 2025, which was also noticed on October 16, 2025. At his deposition, Cecot stated he received the October discovery requests, but he asked for additional time to provide responses. Zielinski agreed to a 30-day extension, or January 22, 2026. When Zielinski did not receive Cecot's responses, his lawyer called Cecot on January 29, 2026. Cecot indicated that he needed more time to respond to the discovery and that he planned to file a motion for extension of the discovery deadline with the court on February 2, 2026. When Cecot failed to file the motion for extension, Zielinski's lawyer reached out again on February 4, 2026, but was unable to get ahold of Cecot. The court notes that the docket still has the Milwaukee County Community Reintegration Center listed at Cecot's address, and he has not provided an updated address to the court. In its scheduling order dated July 9, 2025, the court warned Cecot that if he failed to update his address, the court may dismiss his case without further notice. (ECF No. 21, ¶ 4.) Usually, the court would give Cecot one final opportunity to either respond to discovery or file a letter explaining why he cannot. However, the court notes that it has tried to mail Cecot several filings and they were returned. As such, the court will grant Zielinski's motion to dismiss. Dismissal is with prejudice. Fed. R. Civ. P. 41(b); *Ledford v. Waldo*, No. 23-2463, 2024 WL 1104785, at *2 (7th Cir. Mar. 14, 2024). IT IS THEREFORE ORDERED that Zielinski's motion to dismiss (ECF No. 26) is GRANTED. IT IS FURTHER ORDERED that this case is DISMISSED with prejudice. The Clerk of Court will enter judgment accordingly. This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within 30 days of the entry of judgment. See Federal Rule of 2 Appellate Procedure 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. See Federal Rule of Appellate Procedure 4(a)(5)(A). Under certain circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within 28 days of the entry of judgment. The court cannot extend this deadline. See Federal Rule of Civil Procedure 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. See Federal Rule of Civil Procedure 6(b)(2). A party is expected to closely review all applicable rules and determine, what, if any, further action is

appropriate in a case. Dated in Milwaukee, Wisconsin this 13th day of April, 2026. Sle. ©. De STE
we Cds United States Magistrate Judge

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