

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

John Planinsek v. Derek Morgan, James Sullivan, Conor Anderson,
Thadeous Sheridan, Cicily Reese, and TJ Smeardon

Planinsek · No. 3:24-CV-89-NJR · Decided March 30, 2026

SUMMARY

The United States District Court for the Southern District of Illinois grants Defendants’ motion to dismiss for lack of prosecution under Federal Rule of Civil Procedure 41(b). The action is dismissed with prejudice because Plaintiff failed to prosecute the case, comply with court orders and local rules, and update his address.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 30, 2026
DOCKET	3:24-CV-89-NJR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Derek Morgan and James Sullivan moved to dismiss the action for lack of prosecution under Federal Rule of Civil Procedure 41(b). Plaintiff did not respond. The district court granted the motion and dismissed the action with prejudice.
PRECEDENTIAL VALUE	Unknown; district-court memorandum and order with no reporter citation.
PARTIES	John Planinsek v. Derek Morgan, James Sullivan, Conor Anderson, Thadeous Sheridan, Cicily Reese, TJ Smeardon

TOPICS

- motions to dismiss
- civil procedure
- appellate procedure
- final judgment rule

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to prosecute the case and failed to comply with court orders and local rules.

HOLDINGS

1. A district court may dismiss an action with prejudice under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to prosecute or comply with a court order, and Plaintiff's repeated failure to update his address, failure to comply with court orders and Local Rule 3.1(b)(2), and failure to prosecute warranted dismissal here.

KEY QUOTATIONS

“Under the circumstances presented here, the Court finds that Planinsek has failed to comply with its orders, failed to comply with the Local Rules, and failed to prosecute this matter.”

“Consequently, Defendants’ Motion to Dismiss for Lack of Prosecution (Doc. 39) is GRANTED, and this action is DISMISSED with prejudice pursuant to Rule 41(b).”

FACTUAL BACKGROUND

Planinsek was proceeding pro se and in forma pauperis in a prisoner civil-rights action. The court had repeatedly advised him of his continuing obligation to notify the Clerk and opposing parties of address changes within 14 days and warned that noncompliance could result in dismissal. Despite a specific order to update his address by August 19, 2025, he did not do so, could not be located in the Illinois Department of Corrections database, had not contacted defense counsel since July 2024, and had not filed anything with the court since April 11, 2025.

PROCEDURAL HISTORY

Plaintiff filed a prisoner civil-rights action and later sought leave to amend. On August 5, 2025, the court granted the motion in part, permitted claims against additional defendants to proceed, and ordered Plaintiff to update his address by August 19, 2025. Plaintiff did not update his address, had not contacted defense counsel since July 2024, and had not filed anything since April 11, 2025. Defendants moved to dismiss for failure to prosecute, and the court granted the motion with prejudice and directed entry of judgment.

DISPOSITION

dismissed

CASES CITED

- James v. McDonald's Corp., 417 F.3d 672, 681 (7th Cir. 2005)
- Sherman v. Quinn, 668 F.3d 421, 424 (7th Cir. 2012)
- Abuelyaman v. Illinois State University, 667 F.3d 800, 807 (7th Cir. 2011)
- Elustra v. Mineo, 595 F.3d 699, 707 (7th Cir. 2010)
- Talano v. Northwestern Medical Faculty Foundation, Inc., 273 F.3d 757, 760 (7th Cir. 2001)

- Blue v. Hartford Life & Accident Insurance Co., 698 F.3d 587, 598 (7th Cir. 2012)
- Carlson v. CSX Transportation, Inc., 758 F.3d 819, 826 (7th Cir. 2014)
- Martinez v. Trainor, 556 F.2d 818, 819-20 (7th Cir. 1977)

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