

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Brock Bumbarger v. Norfolk Southern Railway Company

No. 3:23-cv-00063 (W.D. Pa. Jan. 5, 2026) · No. No. 3:23-cv-00063 · Decided January 5, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania dismissed Brock Bumbarger’s action against Norfolk Southern Railway Company with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. Applying the Poulis factors, the court found that the case had remained inactive for more than two years, that no response was made to an order to show cause, and that dismissal was warranted.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Stephanie L. Haines
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	January 5, 2026
DOCKET	No. 3:23-cv-00063
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court sua sponte dismissed the civil-rights and Federal Rail Safety Act whistleblower action with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	For a sua sponte dismissal under Rule 41(b), the court must exercise caution, provide the plaintiff an opportunity to explain the failure to prosecute or comply with court orders, and weigh the six Poulis factors. The merits factor is assessed under the moderate Rule 12(b)(6) plausibility standard rather than a summary-judgment standard.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; persuasive authority only.
PARTIES	Brock Bumbarger v. Norfolk Southern Railway Company

TOPICS

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QUESTIONS PRESENTED

1. Whether the district court could sua sponte dismiss the action under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a court order.
2. Whether the six Poulis factors supported dismissal with prejudice.
3. Whether the apparent merits of Plaintiff's Federal Rail Safety Act claim required denial of dismissal.

HOLDINGS

1. A district court has authority to dismiss an action sua sponte under Rule 41(b) when a litigant fails to prosecute or comply with a court order, provided the court exercises caution and gives the plaintiff an opportunity to explain the failure.
2. Dismissal with prejudice was warranted because, on balance, the Poulis factors supported dismissal: the history of dilatoriness weighed heavily in favor, prejudice and willfulness weighed in favor, no effective alternative sanction was apparent, personal responsibility weighed against dismissal, and the merits factor was neutral.
3. The merits factor was neutral because the case was at the Complaint-only stage and it was difficult to determine whether the Federal Rail Safety Act claim was meritorious or plausible.

KEY QUOTATIONS

"a district court has authority to dismiss an action sua sponte if a litigant fails to prosecute or to comply with a court order." (Section B)

"dismissals with prejudice or defaults are drastic sanctions, termed 'extreme' by the Supreme Court" (Section B)

"must be a sanction of last, not first, resort." (Section B)

FACTUAL BACKGROUND

Plaintiff alleged that, while employed by Defendant, he raised workplace safety concerns and that his supervisor failed to address them, blamed him for hazards, and suggested unsafe corrective measures. He further alleged tense working conditions, cancellation of his health insurance, placement of his job for bid, disciplinary proceedings, termination, reinstatement, and eventual departure because of stress and anxiety allegedly caused by retaliation. The action remained dormant from its filing through the court's Order to Show Cause, and Plaintiff did not respond.

PROCEDURAL HISTORY

Plaintiff filed the action on April 6, 2023. No action occurred after filing, including service of the Complaint, despite a court reminder that Plaintiff was responsible for service. The court issued an Order to Show Cause on December 15, 2025, directing Plaintiff to respond by December 29, 2025, and warning that failure to respond could result in dismissal. Plaintiff and his counsel did not respond, and the court dismissed the case with prejudice.

DISPOSITION

dismissed

CASES CITED

- Qadr v. Overmyer, 642 F. App'x 100 (3d Cir. 2016) (per curiam)
- Adams v. Trs. of the N.J. Brewery Emps.' Pension Tr. Fund, 29 F.3d 863 (3d Cir. 1994)
- Briscoe v. Klaus, 538 F.3d 252 (3d Cir. 2008)
- Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863 (3d Cir. 1984)
- Anthony Hildebrand v. County of Allegheny, Hildebrand v. Allegheny County, 923 F.3d 128 (3d Cir. 2019)
- National Hockey League v. Metropolitan Hockey Club, Inc., 427 U.S. 639 (1976)
- Emerson v. Thiel Coll., 296 F.3d 184 (3d Cir. 2002)
- Scarborough v. Eubanks, 747 F.2d 871 (3d Cir. 1984)
- Ware v. Rodale Press, Inc., 322 F.3d 218 (3d Cir. 2003)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Fowler v. UPMC Shadyside, 578 F.3d 203 (3d Cir. 2009)
- Covington v. Int'l Ass'n of Approved Basketball Officials, 710 F.3d 114 (3d Cir. 2013)
- Thompson v. Real Estate Mortg. Network, 748 F.3d 142 (3d Cir. 2014)