

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY

Stephanio Leon Cole v. Ricardo Santoscruz, et al.

No. 6:25-CV-00001-CHB-MAS · No. No. 6:25-CV-00001-CHB-MAS · Decided January 21, 2026

SUMMARY

The magistrate judge recommends sua sponte dismissal without prejudice of Stephanio Leon Cole’s 42 U.S.C. § 1983 action for failure to prosecute under Federal Rule of Civil Procedure 41(b) and Eastern District of Kentucky Local Rule 5.3. The recommendation applies the Sixth Circuit’s four-factor analysis concerning willfulness or fault, prejudice, warning, and lesser sanctions, and advises the parties of their right to object under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky
JURISDICTION	United States District Court for the Eastern District of Kentucky
DECIDED	January 21, 2026
DOCKET	No. 6:25-CV-00001-CHB-MAS
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff brought claims under 42 U.S.C. § 1983. After plaintiff stopped participating in the action, the magistrate judge issued a report and recommendation that the district court sua sponte dismiss the action without prejudice for failure to prosecute.
STANDARD OF REVIEW	Dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b) is evaluated under the Sixth Circuit's four-factor test: willfulness, bad faith, or fault; prejudice to the opposing party; prior warning; and consideration of less drastic sanctions.
PRECEDENTIAL VALUE	unknown
PARTIES	Stephanio Leon Cole v. Ricardo Santoscruz, et al.

TOPICS

- sanctions
- civil procedure
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed sua sponte without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 5.3 because the plaintiff failed to prosecute the case and failed to maintain a current address.
2. Whether the Sixth Circuit's four-factor test for Rule 41(b) dismissal was satisfied.

HOLDINGS

1. A district court may sua sponte dismiss an action for failure to prosecute under Federal Rule of Civil Procedure 41(b).
2. Dismissal for failure to prosecute is warranted when the plaintiff's conduct reflects fault or reckless disregard, the opposing party suffers prejudice, the plaintiff was warned that dismissal could result, and lesser sanctions would likely be ineffective.
3. The four Rule 41(b) factors were satisfied because Cole failed to participate in the action, defendants incurred litigation expenses, Cole received an express dismissal warning, and lesser sanctions were unlikely to prompt compliance.

KEY QUOTATIONS

"This measure is available to the district court as a tool to effect management of its docket and avoidance of unnecessary burdens on the tax-supported courts and opposing parties." (Page 1)

"Dismissal of a claim for failure to prosecute is a harsh sanction" (Page 1)

"For these reasons, the Court RECOMMENDS the District Court sua sponte DISMISS without prejudice all claims pursuant to LR 5.3 and FED. R. CIV. P. 41(b) in this matter for lack of prosecution for the reasons stated herein." (Page 4)

FACTUAL BACKGROUND

Cole asserted § 1983 claims but took no action in the case for approximately eight months and did not participate in preparing discovery plans. The Court's show-cause order was returned undeliverable, and the Bell County Detention Center no longer listed Cole as an inmate. Defendants incurred litigation expenses, including filing a Rule 26(f) report, without Cole's participation.

PROCEDURAL HISTORY

Cole filed the complaint on January 2, 2025. He ceased participating in the case after May 7, 2025, failed to file required discovery plans, and did not respond to a December 8, 2025 show-cause order warning that dismissal could result. The magistrate judge recommended dismissal without prejudice under Federal Rule of Civil Procedure 41(b) and Local Rule 5.3, subject to the parties' right to object under 28 U.S.C. § 636(b)(1) and Rule 72(b).

DISPOSITION

other

CASES CITED

- Carpenter v. City of Flint, 723 F.3d 700, 704 (6th Cir. 2013)
- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30 (1962)
- Schafer v. City of Defiance Police Dep't, 529 F.3d 731, 736, 726 (6th Cir. 2008)
- Knoll v. American Tel. & Tel., 176 F.3d 359, 362-63 (6th Cir. 1999)
- Mulbah v. Detroit Bd. of Educ., 261 F.3d 586, 591 (6th Cir. 2001)
- Shepard Claims Serv. v. William Darrah & Assocs., 796 F.2d 190, 194 (6th Cir. 1986)
- White v. Bouchard, No. 05-73718, 2008 WL 2216281, at *5 (E.D. Mich. May 27, 2008)
- Patton v. Phillips, No. 7:22-cv-23-REW, 2022 WL 2980343, at *2 (E.D. Ky. July 28, 2022)
- Cornett v. Dobson, 338 F.R.D. 97, 99 (E.D. Ky. 2021)
- Muncy v. G.C.R., Inc., 110 F. App'x 552, 557 n.5 (6th Cir. 2004)