

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Pitts v. Progressive Michigan Insurance Company

Pitts · No. 25-cv-13380 · Decided March 13, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan dismissed Andrew Lamar Pitts’s diversity action against Progressive Michigan Insurance Company without prejudice. The dismissal was based on failure to prosecute, failure to comply with court orders requiring a signed amended complaint and complete in forma pauperis application, and unresolved subject-matter jurisdiction deficiencies.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Judith E. Levy
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	March 13, 2026
DOCKET	25-cv-13380
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff's diversity action was dismissed without prejudice after he failed to file a signed amended complaint, a complete application to proceed in forma pauperis, or responses to two show-cause orders.
STANDARD OF REVIEW	The court exercised its authority under Federal Rule of Civil Procedure 41(b) to dismiss for failure to prosecute and failure to comply with court orders, after providing notice and opportunities to respond.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Andrew Lamar Pitts v. Progressive Michigan Insurance Company

TOPICS

- civil procedure
- subject matter jurisdiction
- pleadings

PRACTICE AREAS

civil procedure

insurance

QUESTIONS PRESENTED

1. Whether dismissal without prejudice was warranted under Federal Rule of Civil Procedure 41(b) and Eastern District of Michigan Local Rule 41.2 because plaintiff failed to prosecute and failed to comply with court orders.
2. Whether the action should be dismissed because the complaint did not adequately establish subject matter jurisdiction based on diversity of citizenship.

HOLDINGS

1. A district court may dismiss an action without prejudice under Federal Rule of Civil Procedure 41(b) and Eastern District of Michigan Local Rule 41.2 when a plaintiff, after adequate notice and repeated warnings, fails to comply with court orders and fails to prosecute the action.
2. A complaint invoking diversity jurisdiction must properly allege the defendant's citizenship, including the corporation's state of incorporation and principal place of business; failure to do so leaves subject matter jurisdiction inadequately established.

KEY QUOTATIONS

“In light of Plaintiff’s non-compliance with the Court’s orders, his failure to prosecute the case since initiating this action approximately five months ago, and the current posture of the case, the Court finds it appropriate to dismiss the case without prejudice.” (Opinion text, disposition)

“Accordingly, the case is DISMISSED WITHOUT PREJUDICE.” (Opinion text, disposition)

FACTUAL BACKGROUND

Plaintiff filed a diversity action against Progressive Michigan Insurance Company, but his complaint was unsigned and did not properly allege Progressive's citizenship. His application to proceed without prepaying fees or costs was blank except for his name, signature, and date. After the court ordered him to correct these deficiencies, plaintiff filed neither an amended complaint nor a complete application and failed to respond to two show-cause orders.

PROCEDURAL HISTORY

Plaintiff initiated the action on October 23, 2025 and submitted a blank application to proceed without prepaying fees or costs. The court struck the unsigned complaint, identified inadequate allegations concerning defendant's citizenship, and ordered plaintiff to file a signed, jurisdictionally adequate complaint and a complete fee application. Plaintiff did not comply, did not respond to two subsequent show-cause orders, and did not request additional time. The court dismissed the case without prejudice under Federal Rule of Civil Procedure 41(b) and Eastern District of Michigan Local Rule 41.2.

DISPOSITION

dismissed

CASES CITED

- Schafer v. City of Defiance Police Department, 529 F.3d 731, 736 (6th Cir. 2008)
- Knoll v. AT&T, 176 F.3d 359, 362-63 (6th Cir. 1999)
- Tucker v. Quinones, No. 23-CV-13120, 2024 U.S. Dist. LEXIS 104057, 2024 WL 2947257, at *2 (E.D. Mich. June 11, 2024)
- Tucker v. Federal Bureau of Investigation, No. 24-10961, 2024 U.S. Dist. LEXIS 201274, 2024 WL 4682695, at *3 (E.D. Mich. Nov. 5, 2024)
- Bay Corrugated Container, Inc. v. Gould, Inc., 609 F. App'x 832, 835 (6th Cir. 2015)
- Pitts v. Progressive Michigan Insurance Company, No. 25-13809, ECF No. 4 (E.D. Mich. filed Nov. 26, 2025)

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