

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

William L. Smith v. Matt Pemberton, et al.

Smith v. Pemberton · No. 3:23-cv-01458-GCS · Decided December 17, 2025

SUMMARY

The United States District Court for the Southern District of Illinois dismissed William L. Smith’s action with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with court orders. The court noted that Plaintiff did not respond to a motion for summary judgment, an order directing a response, or a show-cause order, and directed the Clerk to enter judgment and close the case. The order also explains the deadlines and procedures for seeking relief under Rule 59(e) or appealing to the Seventh Circuit.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Gilbert C. Sison
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	December 17, 2025
DOCKET	3:23-cv-01458-GCS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved for summary judgment. After Plaintiff failed to respond to the motion, an order directing a response, and a show-cause order, the district court dismissed the action with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	A district court may dismiss an action for failure to prosecute under Federal Rule of Civil Procedure 41(b), but the Seventh Circuit requires consideration of alternatives and relevant factors, including the frequency and egregiousness of noncompliance, effects on the court's calendar, and prejudice to defendants.
PRECEDENTIAL VALUE	Unpublished district court memorandum and order; precedential status unknown.
PARTIES	William L. Smith v. Matt Pemberton, et al.

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QUESTIONS PRESENTED

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

HOLDINGS

1. Dismissal with prejudice was warranted under Federal Rule of Civil Procedure 41(b) because Plaintiff repeatedly failed to participate in the case, failed to respond to a summary-judgment motion and two court orders, and did not respond to the show-cause order.

KEY QUOTATIONS

“ “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” ” (at 1)

“ “when it dismisses a suit ‘immediately after the first problem, without exploring other options or saying why they would not be fruitful.’ ” ” (at 1)

FACTUAL BACKGROUND

Plaintiff ceased participating in the case after a mediation session in July 2025. He failed to respond to Defendant's summary-judgment motion, the Court's order directing him to respond, and a subsequent show-cause order. The Court noted that its docket contained 140 cases and that allowing the matter to remain pending would detrimentally affect the efficient and timely handling of other cases.

PROCEDURAL HISTORY

Defendant filed a motion for summary judgment on August 21, 2025. Plaintiff did not respond, did not comply with the Court's October 15, 2025 order directing a response, and did not respond to the November 14, 2025 show-cause order. The Court dismissed the case with prejudice, closed the case, and directed the Clerk to enter judgment.

DISPOSITION

dismissed

CASES CITED

- Sroga v. Huberman, 722 F.3d 980, 982 (7th Cir. 2013)
- Johnson v. Chicago Bd. of Educ., 718 F.3d 731, 732-733 (7th Cir. 2013)
- Kruger v. Apfel, 214 F.3d 784, 786-787 (7th Cir. 2000)

- James v. McDonald's Corp., 417 F.3d 672, 681 (7th Cir. 2005)
- 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 & Acc. Ins. Co., 698 F.3d 587, 598 (7th Cir. 2012)
- Carlson v. CSX Transp., Inc., 758 F.3d 819, 826 (7th Cir. 2014)
- Martinez v. Trainor, 556 F.2d 818, 819-820 (7th Cir. 1977)
- Sherman v. Quinn, 668 F.3d 421, 424 (7th Cir. 2012)
- Abuelyaman v. Illinois State University, 667 F.3d 800, 807 (7th Cir. 2011)

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