

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Jamie Dershem v. Prime Care, et al.

Dershem · No. 3:26-cv-121 · Decided March 23, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismisses Jamie Dershem’s 42 U.S.C. § 1983 action after she failed to file an amended complaint or request an extension by the court-ordered deadline. Applying the Poulis factors, the court concludes that dismissal is warranted and directs the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Robert D. Mariani
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 23, 2026
DOCKET	3:26-cv-121
DISPOSITION	dismissed
PROCEDURAL POSTURE	Prisoner civil-rights action dismissed after the plaintiff failed to file an amended complaint following dismissal of the original complaint at statutory screening.
STANDARD OF REVIEW	The court applied the Poulis factors to determine whether dismissal was warranted for failure to prosecute and failure to comply with a court order.
PRECEDENTIAL VALUE	unpublished district court memorandum; nonprecedential
PARTIES	Jamie Dershem v. Prime Care, et al.

TOPICS

- civil procedure
- prisoners rights
- section 1983
- hipaa

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- health law

QUESTIONS PRESENTED

1. Whether the action should be dismissed because plaintiff failed to file an amended complaint as ordered.
2. Whether the balance of the Poulis factors supported dismissal for failure to prosecute and failure to comply with a court order.

HOLDINGS

1. A plaintiff's failure to file an amended complaint in accordance with a court order, leaving no operative pleading, supports dismissal of the action.
2. Dismissal was warranted because the balance of the six Poulis factors weighed heavily in favor of dismissal.

KEY QUOTATIONS

“ “[N]ot all of the Poulis factors need be satisfied...to dismiss a complaint.” ”

“ Plaintiff's failure to file an amended complaint in accordance with this Court's Order “makes adjudication of the case impossible.” ”

FACTUAL BACKGROUND

Plaintiff was an inmate in the custody of the Pennsylvania Department of Corrections and initiated a pro se action asserting constitutional and HIPAA claims. The court dismissed her original complaint during statutory screening, granted leave to amend by March 17, 2026, and presumed she received the order because it was not returned and her correctional-facility address had not changed. She neither filed an amended complaint nor requested additional time.

PROCEDURAL HISTORY

Plaintiff filed a pro se action under 42 U.S.C. § 1983 asserting constitutional claims and a HIPAA violation. After screening under 28 U.S.C. §§ 1915A and 1915(e)(2)(B)(ii), the court dismissed the complaint for failure to state a claim but granted leave to amend. Plaintiff failed to amend or request an extension, and the court dismissed the action after analyzing the Poulis factors and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Azubuko v. Bell Nat'l Org., 243 F. App'x 728, 729 (3d Cir.)
- Pruden v. SCI Camp Hill, 252 F. App'x 436, 438 (3d Cir. 2007)
- Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984)
- Mindek v. Rigatti, 964 F.2d 1369, 1373 (3d Cir. 1992)
- Adams v. Trustees of N.J. Brewery Emps.' Pension Trust Fund, 29 F.3d 863, 875 (3d Cir. 1994)

OPINION

Dershem

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMIE DERSHEM, Civil No. 3:26-cv-121 Plaintiff . (Judge Mariani) v . PRIME CARE, et al. .
Defendants

MEMORANDUM

Plaintiff Jamie Dershem (“Plaintiff”), an inmate in the custody of the Pennsylvania Department of Corrections, initiated this action pursuant to 42 U.S.C. § 1983 asserting constitutional claims and a violation of the Health Insurance Portability and Accountability Act (“HIPAA”). (Doc. 1). On March 5, 2026, the Court conducted the required statutory screening of Plaintiffs complaint pursuant to 28 U.S.C. § 1915A. (Docs. 7, 8). Upon conducting this initial statutorily mandated screening, the Court entered a Memorandum and Order dismissing Plaintiffs complaint for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), but granted her leave to file an amended complaint. (/d.). Plaintiffs amended complaint was due on or before March 17, 2026. (Doc. 8). The time for filing an amended complaint has passed, and Plaintiff has failed to file an amended complaint. Nor has she requested an extension of time to do so.’ Plaintiff’s failure to file an amended complaint in accordance with this Court’s Order “makes adjudication of the case impossible.” *Azubuko v. Bell Nat’l Org.*, 243 F. App’x 728, 729 (3d Cir. 2007) (nonprecedential); see also *Pruden v. SC] Camp Hill*, 252 F. App’x 436, 438 (3d Cir. 2007) (nonprecedential) (upholding the dismissal of a pro se plaintiff’s complaint with prejudice for failure to amend his complaint). Further, a balance of the six factors enumerated in *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863 (3d Cir. 1984) dictates dismissal of the action. The six factors are as follows:

(1) the extent of the party’s personal responsibility; (2) the prejudice to the adversary caused by the failure to meet scheduling orders and respond to discovery; (3) a history of dilatoriness; (4) whether the conduct of the party...was willful or in bad faith; (5) the effectiveness of sanctions other than dismissal, which entails an analysis of alternative sanctions; and (6) the meritoriousness of the claim or defense. *Poulis*, 747 F.2d at 868 (emphasis omitted). “[N]ot all of the *Poulis* factors need be satisfied...to dismiss a complaint.” *Mindek v. Rigatti*, 964 F.2d 1369, 1373 (3d Cir. 1992) (citation omitted). First, there is no doubt that Plaintiff, as a pro se litigant, has the ultimate and sole responsibility to prosecute her claims and to comply with Court Orders. Second, Plaintiff’s 1 When Plaintiff commenced this action, she identified her address as the State Correctional Institution at Cambridge Springs, Pennsylvania. According to the Pennsylvania Department of Corrections’ online inmate locator, she remains incarcerated at that address. See <https://inmatelocator.cor.pa.gov/#/>. Because her address has not changed, and the prior Order (Doc. 8) has not been returned, the Court presumes that Plaintiff received the Order.

failure to communicate with the Court and to comply with a Court Order frustrates any progressive forward movement. This failure to communicate clearly prejudices the Defendants' ability to achieve a timely resolution of the case. Third, Plaintiff has established a history of dilatoriness through her failure to comply with a Court Order. As to the fourth factor, "[w]illfulness involves intentional or self-serving behavior." *Adams v. Trustees of N.J. Brewery Emps.' Pension Trust Fund*, 29 F.3d 863, 875 (3d Cir. 1994). Plaintiff bears responsibility for the dilatory behavior as she is solely responsible for the lack of communication with the Court and the failure to file an amended pleading, as ordered. Fifth, the effectiveness of alternative sanctions weighs in favor of dismissal, as no viable alternative to dismissal exists given the absence of an operative pleading in this matter. And, finally, the meritoriousness of Plaintiff's claims weighs towards dismissal, as the complaint was subject to an initial screening and was dismissed by the Court. (Docs. 7, 8). Thus, following a full analysis of the Poulis factors, the scale tips heavily in favor of dismissal of this action. Accordingly, the Court will dismiss the above-captioned action and direct the Clerk of Court to close this action. A separate Order follows. □□ 3 Sti Robert D> Mariani United States District Judge Dated: March *~7 , 2026