

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Ardmmir Pearsall v. Unknown Police Officers

Pearsall · No. 2:26-cv-0704 · Decided February 26, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania grants Ardmmir Pearsall leave to proceed in forma pauperis and directs payment of the filing fee in installments under 28 U.S.C. § 1915. The court dismisses the complaint without prejudice for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), permits Pearsall to file an amended complaint within 30 days, and explains the consequences of standing on the original complaint or failing to respond.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Joseph F. Leeson, Jr.
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 26, 2026
DOCKET	2:26-cv-0704
DISPOSITION	other
PROCEDURAL POSTURE	A pro se prisoner filed a civil-rights complaint and moved to proceed in forma pauperis. The district court granted in forma pauperis status, screened the complaint under 28 U.S.C. § 1915(e)(2)(B)(ii), dismissed it without prejudice for failure to state a claim, and granted leave to amend.
STANDARD OF REVIEW	The complaint was screened under 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim.
PRECEDENTIAL VALUE	nonprecedential district court order

TOPICS

- section 1983
- prisoners rights
- pleadings
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner civil rights
- civil procedure
- pleadings

QUESTIONS PRESENTED

1. Whether Pearsall should be granted leave to proceed in forma pauperis.
2. Whether the complaint should be dismissed during statutory screening for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii).
3. Whether Pearsall should be granted leave to amend and be required to file a complete amended complaint identifying the defendants and the basis for each claim.
4. Whether a future decision to stand on the complaint, or failure to respond to the order, could support a final dismissal without requiring analysis under the Poulis factors.

HOLDINGS

1. Pearsall is granted leave to proceed in forma pauperis, but remains responsible for paying the full \$350 filing fee in installments pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of the case.
2. The complaint is dismissed without prejudice for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
3. Pearsall may file an amended complaint within thirty days, and the amended complaint must be complete, identify all defendants in the caption and body, state the basis for each claim, and provide available identifying information.
4. If Pearsall elects to stand on the complaint, or fails to respond to the order, the court may issue a final dismissal based on that election or inferred intent; the six-factor Poulis test is not required for a dismissal based on a plaintiff's decision to stand on the complaint.

KEY QUOTATIONS

“The Complaint is DISMISSED without prejudice for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court’s Memorandum.” (at 2)

“If Pearsall does not wish to amend his Complaint and instead intends to stand on his Complaint as originally pled, he may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will issue a final order dismissing the case.” (at 3)

“If Pearsall fails to file any response to this Order, the Court will conclude that Pearsall intends to stand on his Complaint and will issue a final order dismissing this case.” (at 4)

FACTUAL BACKGROUND

Ardmmir Pearsall, a prisoner proceeding pro se, filed a civil-rights complaint against unknown police officers. He submitted a motion to proceed in forma pauperis and a prisoner trust-fund account statement. The court dismissed the complaint without prejudice for failure to state a claim and provided instructions for identifying defendants and filing an amended complaint.

PROCEDURAL HISTORY

Pearsall filed a prisoner civil-rights complaint, a motion to proceed in forma pauperis, and a prisoner trust-fund account statement. The court granted in forma pauperis status, deemed the complaint filed, dismissed it without prejudice under the statutory screening provision, and allowed Pearsall thirty days to file a complete amended complaint. The court stated that failure to respond would result in a later final dismissal after treating the inaction as an intent to stand on the complaint.

DISPOSITION

other

CASES CITED

- Weber v. McGrogan, 939 F.3d 232, 241 (3d Cir. 2019)
- Borelli v. City of Reading, 532 F.2d 950, 951 n.1 (3d Cir. 1976)
- In re Westinghouse Sec. Litig., 90 F.3d 696, 703-04 (3d Cir. 1996)
- Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984)
- Elansari v. Altria, 799 F. App'x 107, 108 n.1 (3d Cir. 2020) (per curiam)
- Dickens v. Danberg, 700 F. App'x 116, 118 n.2 (3d Cir. 2017) (per curiam)
- Baker v. Accts. Receivables Mgmt., Inc., 292 F.R.D. 171, 175 (D.N.J. 2013)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA ARDMMIR PEARSALL,: Plaintiff,: v.: No. 2:26-cv-0704 UNKNOWN POLICE OFFICERS,: Defendants.: O R D E R AND NOW, this 26th day of February, 2026, upon consideration of Plaintiff Ardmimir Pearsall's Motion to Proceed In Forma Pauperis, ECF No. 4, his Prisoner Trust Fund Account Statement, ECF No. 5, and his pro se Complaint, ECF No. 1, it is ORDERED that: 1.

Leave to proceed in forma pauperis is GRANTED pursuant to 28 U.S.C. § 1915. 2. Ardmimir Pearsall, # 913846, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case.

The Court directs the Warden of Riverside Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Pearsall's inmate account; or (b) the average monthly balance in Pearsall's inmate account for the six-month period immediately preceding the filing of this case.

The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Pearsall's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Pearsall's inmate account until the fees are paid.

Each payment shall refer to the docket number for this case. 1 3. The Clerk of Court is DIRECTED to send a copy of this order to the Warden of Riverside Correctional Facility. 4. The Complaint, ECF No. 1, is DEEMED filed. 5.

The Complaint is DISMISSED without prejudice for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum. 6. Pearsall may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Pearsall's claims against each defendant.

The amended complaint must also provide as much identifying information for the defendants as possible. Pearsall may refer to a defendant by last name only if that is the only identifying information possessed. If Pearsall wishes to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe #2, etc.¹ He is encouraged to include badge numbers (if he has that information) or physical description if he does not have names.

The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting his amended complaint, Pearsall should be mindful of the Court's reasons for dismissing the claims in his initial Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so ORDERED by the Court.

1 Without the name of at least one individual or entity, however, the Court may be unable to direct service of any amended complaint that Pearsall may file. 2 7. The Clerk of Court is DIRECTED to send Pearsall a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Pearsall may use this form to file his amended complaint if he chooses to do so.

8. If Pearsall does not wish to amend his Complaint and instead intends to stand on his Complaint as originally pled, he may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will issue a final order dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case.

See *Weber v. McGrogan*, 939 F.3d 232, 241 (3d Cir. 2019) ("If the plaintiff does not desire to amend, he may file an appropriate notice with the district court asserting his intent to stand on the complaint, at which time an order to dismiss the action would be appropriate." (quoting *Borelli v. City of Reading*, 532 F.2d 950, 951 n.1 (3d Cir. 1976))); *In re Westinghouse Sec. Litig.*, 90 F.3d 696, 703–04 (3d Cir.

1996) (holding “that the district court did not abuse its discretion when it dismissed with prejudice the otherwise viable claims... following plaintiffs’ decision not to replead those claims” when “the district court expressly warned plaintiffs that failure to replead the remaining claims... would result in the dismissal of those claims”). 3 9. If Pearsall fails to file any response to this Order, the Court will conclude that Pearsall intends to stand on his Complaint and will issue a final order dismissing this case.² See Weber, 939 F.3d at 239–40 (explaining that a plaintiff’s intent to stand on his complaint may be inferred from inaction after issuance of an order directing him to take action to cure a defective complaint).

BY THE COURT: /s/ Joseph F. Leeson, Jr. JOSEPH F. LEESON, JR. United States District Judge
2 The six-factor test announced in *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984), is inapplicable to dismissal orders based on a plaintiff’s intention to stand on her complaint. See Weber, 939 F.3d at 241 & n.11 (treating the “stand on the complaint” doctrine as distinct from dismissals under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order, which require assessment of the Poulis factors); see also *Elansari v. Altria*, 799 F. App’x 107, 108 n.1 (3d Cir.

2020) (per curiam). Indeed, an analysis under *Poulis* is not required when a plaintiff willfully abandons the case or makes adjudication impossible, as would be the case when a plaintiff opts not to amend her complaint, leaving the case without an operative pleading. See *Dickens v. Danberg*, 700 F. App’x 116, 118 n.2 (3d Cir. 2017) (per curiam) (“Where a plaintiff’s conduct clearly indicates that he willfully intends to abandon the case, or where the plaintiff’s behavior is so contumacious as to make adjudication of the case impossible, a balancing of the Poulis factors is not necessary.”); *Baker v. Accts.*

Receivables Mgmt., Inc., 292 F.R.D. 171, 175 (D.N.J. 2013) (“[T]he Court need not engage in an analysis of the six Poulis factors in cases where a party willfully abandons her case or otherwise makes adjudication of the matter impossible.” (citing cases)). 4