

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

Michael James Krusell v. Mathew Leirstein, et al.

Krusell · No. 1:25-cv-01268 · Decided January 7, 2026

SUMMARY

A magistrate judge recommends dismissal of Michael James Krusell’s action for failure to prosecute because mail was returned as undeliverable and Plaintiff failed to provide an updated address. The recommendation relies on Federal Rule of Civil Procedure 41(b), the court’s local rule, and the factors governing dismissal for failure to prosecute, while providing Plaintiff 14 days to file objections.

CASE DETAILS

COURT	United States District Court for the Western District of Michigan, Southern Division
WRITING FOR THE COURT	Sally J. Berens
JURISDICTION	United States District Court for the Western District of Michigan, Southern Division
DECIDED	January 7, 2026
DOCKET	1:25-cv-01268
DISPOSITION	other
PROCEDURAL POSTURE	The magistrate judge issued a Report and Recommendation under 28 U.S.C. § 636(b)(1)(B), recommending dismissal of Plaintiff’s civil-rights action for failure to prosecute after mail was returned as undeliverable because Plaintiff failed to provide an updated address.
STANDARD OF REVIEW	Dismissal for failure to prosecute is evaluated under the factors identified in <i>Tetro v. Elliott Popham Pontiac, Oldsmobile, Buick, and GMC Trucks, Inc.</i> : willfulness, bad faith, or fault; prejudice to the opposing party; prior warning; and whether lesser sanctions were imposed or considered.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Michael James Krusell v. Mathew Leirstein, et al.

TOPICS

sanctions

motions to dismiss

civil procedure

PRACTICE AREAS

civil rights

civil procedure

QUESTIONS PRESENTED

1. Whether the action should be dismissed for failure to prosecute because Plaintiff failed to keep the Court informed of a current mailing address.
2. Whether the factors governing dismissal for failure to prosecute supported recommending dismissal under Federal Rule of Civil Procedure 41(b) and applicable local rules.

HOLDINGS

1. The magistrate judge recommended dismissal of Plaintiff's action for failure to prosecute because Plaintiff failed to maintain a current address with the Court after receiving a warning that such failure could result in dismissal.

KEY QUOTATIONS

“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.” (at 1)

“is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts.” (at 1)

“Failure of a plaintiff to keep the Court apprised of a current address shall be grounds for dismissal for want of prosecution.” (at 2)

FACTUAL BACKGROUND

Mail sent by the Clerk to Plaintiff was returned as undeliverable because Plaintiff had not provided the Court with an updated address. Plaintiff had been expressly warned in an order granting leave to proceed in forma pauperis that failure to promptly notify the Court of an address change could result in dismissal for lack of prosecution. The magistrate judge found that Plaintiff's failure was willful, prejudiced Defendants' ability to defend, and hindered the Court's management of its docket.

PROCEDURAL HISTORY

The Clerk mailed Plaintiff a copy of an earlier Report and Recommendation, but the mailing was returned as undeliverable because Plaintiff had not provided the Court with a current address. Plaintiff had previously been warned that failure to promptly notify the Court of an address change could result in dismissal for lack of prosecution. The magistrate judge recommended dismissal and stated that timely objections would provide Plaintiff an opportunity to show cause why the action should not be dismissed.

DISPOSITION

other

CASES CITED

- Link v. Wabash Railroad Co., 370 U.S. 626, 629-30 (1962)
- Tetro v. Elliott Popham Pontiac, Oldsmobile, Buick, and GMC Trucks, Inc., 173 F.3d 988, 992 (6th Cir. 1999)
- Thomas v. Arn, 474 U.S. 140 (1985)
- United States v. Walters, 638 F.2d 947 (6th Cir. 1981)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION MICHAEL JAMES KRUSELL, Plaintiff, v. Hon. Hala Y. Jarbou MATHEW LEIRSTEIN, et al., Case No. 1:25-cv-01268 Defendants. REPORT AND RECOMMENDATION
On December 11, 2025, the Clerk mailed a copy of the December 11, 2025 Report and Recommendation (ECF No. 15) to Plaintiff.

The mailing was not deliverable because Plaintiff has not provided the Court with an updated address (ECF No. 16). For the reasons discussed below, pursuant to 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 41(b), and W.D.Mich. LCivR. 41.1, I recommend that the present action be dismissed for Plaintiff's failure to prosecute.

As the United States Supreme Court long ago recognized, "[t]he authority of a federal trial court to dismiss a plaintiff's action with prejudice because of his failure to prosecute cannot seriously be doubted." Link v. Wabash Railroad Co., 370 U.S. 626, 629 (1962). This authority "is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts." Id. at 629-30.

Failure by a plaintiff to prosecute constitutes grounds to dismiss the complaint or any particular claims. See Fed. R. Civ. P. 41(b). When examining whether dismissal for failure to prosecute is appropriate, the Court must consider the following factors: (1) whether the party's failure to cooperate is due to willfulness, bad faith, or fault; (2) whether the adversary is prejudiced by the party's dilatory conduct; (3) whether the dismissed party was warned that failure to cooperate could lead to dismissal; and (4) whether less drastic sanctions were imposed or considered.

See Tetro v. Elliott Popham Pontiac, Oldsmobile, Buick, and GMC Trucks, Inc., 173 F.3d 988, 992 (6th Cir. 1999). Based on these factors, I recommend that Plaintiff's claims be dismissed. Local Rule of Civil Procedure 41.1 provides that "[f]ailure of a plaintiff to keep the Court apprised of a current address shall be grounds for dismissal for want of prosecution." Similarly, the October 21, 2025 Order granting Plaintiff leave to proceed in forma pauperis notified Plaintiff that his failure to "promptly notify the Court of any address change" would be grounds for "dismissal of the action for lack of prosecution." (ECF No. 4 at PageID.26.)

As mentioned above, mail addressed to Plaintiff has been returned because Plaintiff has not provided the Court with his correct mailing address. This is a willful failure by Plaintiff that prejudices Defendants' ability to defend against Plaintiff's claims and hinders the Court's ability to effectively manage its docket.

Thus, Plaintiff has been warned by the Court that dismissal of his claims might result from his failure to keep the Court apprised of his current address. Regardless, this Recommendation will serve as an additional warning and affords Plaintiff an opportunity to contest the recommendation that dismissal is appropriate. CONCLUSION For the reasons articulated herein, I recommend that this action be dismissed for Plaintiff's failure to prosecute.

Timely objections to this Report and Recommendation shall be considered Plaintiff's opportunity to show cause why this matter should not be dismissed. Dated: January 7, 2026 /s/ Sally J. Berens
SALLY J. BERENS U.S. Magistrate Judge OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice.

28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).