

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PRECEDENTIAL VALUE	nonprecedential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)

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