

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Gregory Lindell Burns v. Jennifer Schrock, et al.

Burns · No. 3:19-cv-163 · Decided February 20, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania adopted a magistrate judge’s Report and Recommendation recommending dismissal for failure to prosecute. The court granted the defendants’ motions and dismissed all claims against them with prejudice under the Poulis factors.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	William S. Stickman IV; Christopher B. Brown
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	February 20, 2026
DOCKET	3:19-cv-163
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss the action for failure to prosecute. The district court adopted the magistrate judge's Report and Recommendation and dismissed all claims with prejudice.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential.

TOPICS

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

PRACTICE AREAS

- civil rights
- civil procedure
- prisoner litigation

QUESTIONS PRESENTED

- Whether the action should be dismissed with prejudice for the plaintiff's failure to prosecute under the six-factor Poulis test.

HOLDINGS

1. The action must be dismissed with prejudice because the plaintiff failed to prosecute it for more than two years, and the Poulis factors supported dismissal.

KEY QUOTATIONS

“In Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (d Cir. 1984), the United States Court of Appeals for the Third Circuit set forth a six-factor balancing test to guide a district court in determining whether a case should be dismissed for failure to prosecute.”

FACTUAL BACKGROUND

Gregory Lindell Burns was an inmate in the custody of the Pennsylvania Department of Corrections when he filed the action. After filing a change of address on December 7, 2023, Burns took no further action for more than two years. The defendants moved to dismiss for failure to prosecute.

PROCEDURAL HISTORY

Plaintiff filed the civil-rights action while incarcerated and later filed a change of address on December 7, 2023. He took no action in the case for more than two years. Defendants moved to dismiss for lack of prosecution, and Magistrate Judge Christopher B. Brown recommended dismissal with prejudice after applying the Poulis factors. No objections were filed, and the district court adopted the Report and Recommendation.

DISPOSITION

dismissed

CASES CITED

- Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984)

OPINION

BURNS

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GREGORY LINDELL BURNS,

Plaintiff, Civil Action No. 3:19-cv-163 Vv. Hon. William S. Stickman IV Hon. Christopher B. Brown JENNIFER SCHROCK, et al, Defendants.

ORDER OF COURT

Pro se Plaintiff Gregory Lindell Burns (“Burns”) was an inmate in the custody of the Pennsylvania Department of Corrections when he filed this action. In short, Burns has taken no action on this case for over two years since he filed a change of address on December 7, 2023. Defendants have filed motions to dismiss for lack of prosecution. (ECF Nos. 163, 178, and 179). Magistrate Judge Christopher B. Brown issued a Report and Recommendation in which, after considering and

weighing the Poulis' factors, he recommended dismissal of this matter with prejudice due to Burns' failure to prosecute. (ECF No. 182). The parties were provided the opportunity to file objections. No objections have been filed. Therefore, the Court hereby ADOPTS Magistrate Judge Brown's Report and Recommendation (ECF No. 182) as its Opinion. It concurs with his thorough legal analysis and conclusions. 'In Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (d Cir. 1984), the United States Court of Appeals for the Third Circuit set forth a six-factor balancing test to guide a district court in determining whether a case should be dismissed for failure to prosecute. AND NOW, this 20th day of February 2026, IT IS HEREBY ORDERED that Defendants' motions to dismiss (ECF Nos. 178 and 179) are GRANTED. All claims against Defendants are DISMISSED WITH PREJUDICE for failure to prosecute. BY THE COURT: s/ William S. Stickman IV
WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE