

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Sarker v. Citigroup, Inc.

Sarker · No. 2:24-cv-08517 · Decided February 4, 2026

SUMMARY

The United States District Court for the District of New Jersey dismisses Shorab Sarker’s claims against Citigroup, Inc. with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with court orders. The court concludes that the applicable Poulis factors weigh in favor of dismissal after Sarker failed to initiate binding arbitration and failed to comply adequately with an order to show cause.

CASE DETAILS

COURT	United States District Court for the District of New Jersey
WRITING FOR THE COURT	Jamel K. Semper
JURISDICTION	United States District Court for the District of New Jersey
DECIDED	February 4, 2026
DOCKET	2:24-cv-08517
DISPOSITION	dismissed
PROCEDURAL POSTURE	After compelling arbitration and ordering Plaintiff to initiate binding arbitration, the court issued an order to show cause why the action should not be dismissed for failure to prosecute and failure to comply with court orders. Plaintiff failed to comply adequately, and the court dismissed the Complaint with prejudice under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	Dismissal under Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with a court order is evaluated under the six-factor test in Poulis v. State Farm Fire and Casualty Co. No separate appellate standard of review was applied because this was a district-court decision.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- arbitration
- sanctions
- civil procedure
- retaliation
- employment discrimination

PRACTICE AREAS

civil procedure

employment law

arbitration

QUESTIONS PRESENTED

1. Whether the Complaint should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to prosecute the action and failed to comply with orders compelling him to initiate arbitration.
2. Whether the Poulis factors supported dismissal as a sanction for Plaintiff's noncompliance.

HOLDINGS

1. Dismissal with prejudice was warranted because Plaintiff failed to prosecute his action and failed to comply with the court's orders compelling him to initiate binding arbitration and requiring him to show cause.
2. A pro se plaintiff bears personal responsibility for complying with court orders, and repeated refusal to obey orders compelling arbitration may establish willful noncompliance supporting dismissal.

KEY QUOTATIONS

"Because the applicable Poulis factors weigh strongly in favor of dismissal, the Court is satisfied that dismissal of Plaintiff's claims against Citigroup is the appropriate remedy." (III)

"For the reasons stated above, Plaintiff's Complaint is DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with court orders." (IV)

FACTUAL BACKGROUND

Shorab Sarker alleged that Citigroup employees threatened, harassed, and retaliated against him after he internally reported misconduct. After removal, the court compelled binding arbitration and ordered Sarker to take the appropriate steps to initiate AAA arbitration. Sarker did not comply with the arbitration orders, instead filing objections and allegedly frivolous submissions, and his eventual arbitration demand was untimely and deficient. He also failed to adequately respond to the court's order to show cause.

PROCEDURAL HISTORY

Plaintiff filed suit in New Jersey state court alleging CEPA, NJLAD, and common-law claims, and Defendant removed the action to federal court. Defendant moved to compel arbitration, and on February 10, 2025, the court granted the motion and ordered Plaintiff to initiate AAA arbitration. After Plaintiff failed to comply with that order and a subsequent June 4, 2025 order, the court issued an August 5, 2025 order to show cause. Plaintiff did not timely submit a competent arbitration demand or adequately respond, so the court dismissed the action with prejudice for failure to prosecute and failure to comply with court orders.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash Railroad Co., 370 U.S. 626, 630 (1962)
- Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 868-870 (3d Cir. 1984)
- Anthony Hildebrand v. County of Allegheny, Hildebrand v. Allegheny County, 923 F.3d 128, 132, 135, 137 (3d Cir. 2019)
- Briscoe v. Klaus, 538 F.3d 252, 262-263 (3d Cir. 2008)
- R & C Oilfield Services LLC v. American Wind Transportation Group LLC, 45 F.4th 655, 661 (3d Cir. 2022)
- Mathieu v. Citibank, N.A., No. 22-4871, 2025 WL 1666725, at *1 (D.N.J. June 12, 2025)
- Adams v. Trustees of the New Jersey Brewery Employees' Pension Trust Fund, 29 F.3d 863, 873-875, 878 (3d Cir. 1994)
- Vittas v. Brooks Brothers Inc., 2017 WL 6316633, at *2, 2017 U.S. Dist. LEXIS 203123, at *5 (D.N.J. Dec. 11, 2017)
- Emerson v. Thiel College, 296 F.3d 184, 190 (3d Cir. 2002)
- Yancey v. Wal-Mart Corp., No. 15-6646, 2022 WL 972489, at *10 (D.N.J. Jan. 31, 2022)
- Tyshon Bey, LLC v. Portfolio Recovery Associates, LLC, No. 23-2310, 2023 WL 7001588, at *3 (D.N.J. Aug. 28, 2023), report and recommendation adopted, 2023 WL 7000835 (D.N.J. Sept. 18, 2023)
- Mathieu v. Citibank, N.A., No. 22-4871, 2025 WL 1666803, at *4 (D.N.J. May 15, 2025), report and recommendation adopted, 2025 WL 1666725 (D.N.J. June 12, 2025)