

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH,
CENTRAL DIVISION

Penegar v. Thind

No. 2:25-cv-00403-AMA-CMR (D. Utah Apr. 21, 2026) (report and recommendation) · No. 2:25-cv-00403-AMA-CMR · Decided April 21, 2026

SUMMARY

The Chief Magistrate Judge recommends dismissal without prejudice of Plaintiff Julie Penegar’s action against Jagmohon Thind for failure to prosecute and failure to comply with an order directing amendment of the complaint. The recommendation applies Federal Rule of Civil Procedure 41(b) and considers the factors governing sua sponte dismissal.

CASE DETAILS

COURT	United States District Court for the District of Utah, Central Division
WRITING FOR THE COURT	Cecilia M. Romero, Chief Magistrate Judge
JURISDICTION	United States District Court for the District of Utah, Central Division
DECIDED	April 21, 2026
DOCKET	2:25-cv-00403-AMA-CMR
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation on the court's sua sponte consideration of dismissal for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	The court applied the Rule 41(b) and Tenth Circuit factors governing involuntary dismissal for failure to prosecute or failure to comply with a court order.
PRECEDENTIAL VALUE	Unpublished report and recommendation; not a final district-court disposition in the source.
PARTIES	Julie Penegar v. Jagmohon Thind

TOPICS

- civil procedure
- sanctions
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Plaintiff's failure to prosecute.
2. Whether Plaintiff's failure to comply with the order directing amendment of the deficient complaint warranted sua sponte dismissal under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. A court may sua sponte dismiss an action for failure to prosecute or failure to comply with the rules of civil procedure or a court order.
2. Dismissal without prejudice was warranted because Plaintiff failed to prosecute and failed to comply with a clearly stated order despite a warning that dismissal could result.

KEY QUOTATIONS

"Although the language of Rule 41(b) requires that the defendant file a motion to dismiss, the Rule has long been interpreted to permit courts to dismiss actions sua sponte for a plaintiff's failure to prosecute or comply with the rules of civil procedure or court orders." (Discussion)

"Based on Plaintiff's failure to prosecute this case, the court RECOMMENDS that the district judge DISMISS this case without prejudice." (Recommendation)

FACTUAL BACKGROUND

Plaintiff filed a pro se complaint against Defendant and received permission to proceed in forma pauperis. The court later issued an order requiring Plaintiff to amend her deficient complaint by a specified deadline and expressly warned that noncompliance could lead to dismissal. Plaintiff neither amended the complaint nor made any other filing, and Defendant had not yet been served.

PROCEDURAL HISTORY

Plaintiff filed a pro se complaint on May 21, 2025, and was granted leave to proceed in forma pauperis. The court ordered Plaintiff to amend her deficient complaint by November 24, 2025, warning that failure to comply could result in dismissal. Plaintiff did not amend the complaint or make any further filings, and the magistrate judge recommended dismissal without prejudice.

DISPOSITION

other

CASES CITED

- Olsen v. Mapes, 333 F.3d 1199, 1204 & n.3 (10th Cir. 2003)
- Link v. Wabash R. Co., 370 U.S. 626, 630 (1962)

- Mobley v. McCormick, 40 F.3d 337, 340 (10th Cir. 1994)

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