

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Elizabeth McNulty v. Frank Bisignano, Commissioner of Social
Security

McNulty v. Bisignano · No. 2:25-cv-00315 · Decided February 18, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania dismissed Elizabeth McNulty’s action seeking review of the denial of her Social Security Disability Insurance and Supplemental Security Income claims. The court dismissed the case without prejudice under Federal Rule of Civil Procedure 41(b) after applying the Poulis factors and finding that Plaintiff failed to file a supporting brief or respond to a show-cause order.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Lynne A. Sitarski
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 18, 2026
DOCKET	2:25-cv-00315
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff sought review of the Commissioner of Social Security's final decision denying her applications for SSDI and SSI benefits. After Plaintiff failed to file the required supporting brief and failed to respond to an order to show cause, the court sua sponte dismissed the action without prejudice for failure to prosecute.
STANDARD OF REVIEW	A district court may sua sponte dismiss an action for failure to prosecute under Federal Rule of Civil Procedure 41(b), but dismissal requires consideration of the six Poulis factors. No single factor is dispositive, and the court need not find every factor satisfied.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; precedential status is unknown from the source.
PARTIES	Elizabeth McNulty v. Frank Bisignano, Commissioner of Social Security

TOPICS

civil procedure

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PRACTICE AREAS

Social Security

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QUESTIONS PRESENTED

1. Whether the court could sua sponte dismiss the Social Security appeal for failure to prosecute under Federal Rule of Civil Procedure 41(b).
2. Whether the Poulis factors supported dismissal without prejudice based on Plaintiff's failure to file a brief and failure to respond to the order to show cause.

HOLDINGS

1. A district court may sua sponte dismiss an action under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute the case or comply with the Federal Rules or a court order.
2. Dismissal without prejudice was warranted because the balance of the Poulis factors favored dismissal: prejudice to the Commissioner, Plaintiff's history of dilatoriness, the willful nature of the failure to comply, and the ineffectiveness of lesser sanctions weighed in favor of dismissal, while the merits factor was neutral.

KEY QUOTATIONS

“Dismissal for failure to prosecute may be appropriately invoked only after analyzing six factors:” (at 2)

“There is no ‘magic formula’ or ‘mechanical calculation’ for balancing the Poulis factors, and a District Court need not find all the factors satisfied in order to dismiss a complaint.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed an action seeking review of the denial of her SSDI and SSI applications. Although the Commissioner filed the administrative record, Plaintiff did not file the required supporting brief. Repeated attempts by court staff to reach Plaintiff's counsel were unsuccessful, and Plaintiff did not respond to the court's subsequent order to show cause.

PROCEDURAL HISTORY

Plaintiff filed the action on January 18, 2025, and was granted leave to proceed in forma pauperis. The Commissioner filed the administrative record, but Plaintiff did not file the brief required by the court's standing procedural order. After unsuccessful attempts to contact Plaintiff's counsel, the court issued an order to show cause; Plaintiff did not respond. The court dismissed the complaint without prejudice after applying the six-factor Poulis analysis.

DISPOSITION

dismissed

CASES CITED

- Shields v. Commissioner of Social Security, 474 F. App'x 857, 858 (3d Cir. 2012)
- Poulis v. State Farm Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984)
- Qadr v. Overmyer, 642 F. App'x 100, 102-03 (3d Cir. 2016)
- Briscoe v. Klaus, 538 F.3d 252, 262-63 (3d Cir. 2008)
- Srebro v. Commissioner of Social Security, No. 3:17-CV-2298, 2019 WL 1988660 (M.D. Pa. May 6, 2019)
- Borwegan v. Commissioner of Social Security, No. 1:15-CV-953, 2016 WL 3708080 (M.D. Pa. Jan. 11, 2016)
- Marquez v. Kijakazi, No. 3:22-CV-00522, 2023 WL 2975160, at *3 (M.D. Pa. Apr. 17, 2023)
- Mossie v. Social Security Administration, No. CV 20-4951, 2022 WL 612667, at *2 (E.D. Pa. Mar. 1, 2022)
- Arvelo v. Saul, No. 20-CV-00213-RAL, 2021 WL 1174559, at *2 (E.D. Pa. Mar. 29, 2021)

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