

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
KENTUCKY, SOUTHERN DIVISION

Stephanio Leon Cole v. Ricardo Santoscruz, et al.

Cole · No. 6:25-CV-001-CHB-MAS · Decided February 10, 2026

SUMMARY

The United States District Court for the Eastern District of Kentucky adopted the magistrate judge’s Report and Recommendation and dismissed Stephanio Leon Cole’s § 1983 action without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) and Local Rule 5.3. The court found that the Sixth Circuit’s four-factor test for dismissal was satisfied and ordered the action stricken from the docket.

CASE DETAILS

COURT	United States District Court for the Eastern District of Kentucky, Southern Division
WRITING FOR THE COURT	Claria Horn Boom
JURISDICTION	United States District Court for the Eastern District of Kentucky
DECIDED	February 10, 2026
DOCKET	6:25-CV-001-CHB-MAS
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). No party filed objections.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's Report and Recommendation, the district court is not required to conduct de novo or any other review of the magistrate judge's factual or legal conclusions, although the court reviewed the record and agreed with the recommendation.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not identified in the opinion
PARTIES	Stephanio Leon Cole v. Ricardo Santoscruz, et al.

TOPICS

civil procedure

section 1983

pleadings

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action sua sponte for failure to prosecute under Federal Rule of Civil Procedure 41(b).
2. Whether the Sixth Circuit's four-factor test for Rule 41(b) dismissal was satisfied.
3. Whether the magistrate judge's Report and Recommendation should be adopted when no party filed objections.

HOLDINGS

1. A federal district court may sua sponte dismiss an action for failure to prosecute under Federal Rule of Civil Procedure 41(b), provided the plaintiff has an adequate opportunity to prosecute the case.
2. Dismissal without prejudice was warranted because Cole's conduct was attributable to his fault, prejudiced the defendants, followed an express warning that dismissal could result, and made lesser sanctions unlikely to prompt compliance.
3. When no objections are filed, the district court is not required to review the magistrate judge's factual or legal conclusions de novo or under any other standard, and a party that fails to object is generally barred from appealing the adopted disposition.

KEY QUOTATIONS

“this “harsh sanction” should only be awarded after the Plaintiff is provided adequate opportunity to prosecute his case.” (at 1)

“renders the imposition of lesser sanctions unlikely to prompt even dilatory compliance.” (at 2)

FACTUAL BACKGROUND

Cole asserted claims against the defendants under 42 U.S.C. § 1983. After filing a motion to appoint counsel on May 7, 2025, he took no further action, failed to file required discovery plans, and failed to respond to a December 8, 2025 show cause order warning that the case could be dismissed. The show cause order was returned as undeliverable, Cole did not update his address, and the Bell County Detention Center no longer listed him as an inmate.

PROCEDURAL HISTORY

Cole filed a Second Amended Complaint asserting claims under 42 U.S.C. § 1983, and the defendants answered. After Cole ceased participating in the action, including failing to file discovery plans and failing to respond to a show cause order, the magistrate judge recommended dismissal without prejudice for failure to prosecute. The

district court adopted the Report and Recommendation, dismissed the Second Amended Complaint without prejudice, and struck the action from the docket.

DISPOSITION

dismissed

CASES CITED

- Schafer v. City of Defiance Police Department, 529 F.3d 731, 726 (6th Cir. 2008)
- Knoll v. American Tel. & Tel., 176 F.3d 359, 363 (6th Cir. 1999)
- Mulbah v. Detroit Board of Education, 261 F.3d 586, 591 (6th Cir. 2001)
- Patton v. Phillips, No. 7:22-CV-23-REW, 2022 WL 2980343, at *2 (E.D. Ky. July 28, 2022)
- Thomas v. Arn, 474 U.S. 140, 151 (1985)
- United States v. White, 874 F.3d 490, 495 (6th Cir. 2017)
- United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY SOUTHERN DIVISION (at London) STEPHANIO LEON COLE,)) Plaintiff,) Civil Action No. 6:25-CV-001-CHB-MAS) v.)) ORDER ADOPTING MAGISTRATE RICARDO SANTOSCRUZ, et al.,) JUDGE’S REPORT AND) RECOMMENDATION Defendants.) *** ** This matter is before the Court on the Report and Recommendation filed by United States Magistrate Judge Matthew A. Stinnett, [R.

48]. The Report and Recommendation addresses Plaintiff Stephanio Leon Cole’s Second Amended Complaint asserting claims against Defendants pursuant to 42 U.S.C. § 1983. See [R. 14]. Defendants answered at [R. 22] and [R. 39]. Since Plaintiff filed a Motion to Appoint Counsel on May 7, 2025, see [R. 32], Plaintiff has taken no other action in this lawsuit.

As a result, on December 8, 2025, the Magistrate Judge entered a show cause order directing Plaintiff to explain why his case should not be dismissed for failure to prosecute, and that order was returned as undeliverable. [R. 46; R. 47]. Plaintiff has filed no notice indicating a change of address, and the Bell County Detention Center no longer lists him as an inmate.¹ Accordingly, the Magistrate Judge’s Report and Recommendation recommends that Plaintiff’s action be dismissed without prejudice as to all claims for failure to prosecute pursuant to Local Rule 5.3 and Federal Rule of Civil Procedure 41(b).

[R. 48]. Neither party filed objections to the Report and Recommendation, and the time to do so has passed, making the matter ripe for 1 BELL COUNTY DETENTION CENTER, <https://www.bellcountydetection.com/> (last visited Feb. 10, 2026). review.

For the reasons set forth below, the Court will adopt the Magistrate Judge's Report and Recommendation and dismiss Plaintiff's action without prejudice. In the Report and Recommendation, the Magistrate Judge notes that federal courts have the authority to sua sponte dismiss actions for failure to prosecute under Rule 41(b), but that this "harsh sanction" should only be awarded after the Plaintiff is provided adequate opportunity to prosecute his case.

[R. 48, p. 2] (quoting *Schafer v. City of Defiance Police Dep't*, 529 F.3d 731, 726 (6th Cir. 2008)). Under the Sixth Circuit's test for determining whether dismissal is warranted under Rule 41(b), four factors are considered: (1) whether the party's failure is due to willfulness, bad faith, or fault; (2) whether the adversary was prejudiced by the dismissed party's conduct; (3) whether the dismissed party was warned that failure to cooperate could lead to dismissal; and (4) whether less drastic sanctions were imposed or considered before dismissal was ordered.

Knoll v. American Tel. & Tel., 176 F.3d 359, 363 (6th Cir.1999) (citation omitted). The Magistrate Judge finds that these factors are met here. [R. 48, p. 2]. First, the Magistrate Judge finds Plaintiff meets the first factor because his failure to respond to the Court's Show Cause Order, [R. 46], and order to file discovery plans, [R. 42; R. 43], demonstrates a "reckless disregard for the effect of [his] conduct on [judicial] proceedings." [R.

48, p. 2 (quoting *Mulbah v. Detroit Bd. of Educ.*, 261 F.3d 586, 591 (6th Cir. 2001))]. According to the Magistrate Judge, Plaintiff meets the second factor because "the defendants have expended resources to defend this action, including filing a Rule 26(f) Report, without the participation of [Plaintiff]." *Id.* at 3. Plaintiff also meets the third factor because he "was expressly warned in the Court's show cause order on December 8, 2025, that his failure to respond and update his address would result in" the recommended dismissal of the action.

Id. Lastly, Plaintiff meets the fourth factor because his "failure to respond to the Court's show cause order or filing anything in this case since May 2025 'renders the imposition of lesser sanctions unlikely to prompt even dilatory compliance.'" *Id.* (quoting *Patton v. Phillips*, No. 7:22-CV-23- REW, 2022 WL 2980343, at *2 (E.D. Ky. July 28, 2022)).

The Report and Recommendation advised the parties that any objections must be filed within fourteen days. [R. 48, p. 4]. The time to file objections has passed, and neither party has filed any objections to the Report and Recommendation nor sought an extension of time in which to do so. Generally, this Court must make a de novo determination of those portions of the Report and Recommendations to which objections are made.

28 U.S.C. § 636(b)(1). When no objections are made, this Court is not required to "review... a magistrate's factual or legal conclusions, under a de novo or any other standard." See *Thomas v. Arn*, 474 U.S. 140, 151 (1985). Parties who fail to object to a Magistrate Judge's recommended

disposition are also barred from appealing a district court's order adopting that recommended disposition.

United States v. White, 874 F.3d 490, 495 (6th Cir. 2017); United States v. Walters, 638 F.2d 947, 949–50 (6th Cir. 1981). Nevertheless, this Court has examined the record and agrees with the Magistrate Judge's Report and Recommendation recommending Plaintiff's case be dismissed without prejudice for failure to prosecute.

The Court agrees with the Magistrate Judge's conclusion that Plaintiff meets each of the four factors articulated in Knoll, 176 F.3d at 363, and that dismissal under Rule 41(b) is therefore warranted. Accordingly, IT IS HEREBY ORDERED as follows: 1.

The Magistrate Judge's Report and Recommendation, [R. 48], is ADOPTED as the opinion of this Court. 2. Plaintiff's Second Amended Complaint, [R. 14], is DISMISSED WITHOUT PREJUDICE. 3. This action is DISMISSED and STRICKEN from the docket. 4.

The Court will enter a corresponding Judgment. This the 10th day of February, 2026. SEIS, Conse
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