

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)