

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Kenneth VanScoy v. Robert F. Kennedy, Jr.

VanScoy · No. 3:25-CV-1020 · Decided February 25, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismissed Kenneth VanScoy’s action against Robert F. Kennedy, Jr., in his capacity as Secretary of the U.S. Department of Health and Human Services. The court held that VanScoy failed to serve the summons and complaint and failed to respond to an order to show cause, warranting dismissal without prejudice under Federal Rules of Civil Procedure 4(m) and 41(b). The court also analyzed the Poulis factors and concluded that they weighed heavily in favor of dismissal.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Karoline Mehalchick
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	February 25, 2026
DOCKET	3:25-CV-1020
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court sua sponte dismissed the action without prejudice for failure to prosecute after Plaintiff failed to serve the summons and complaint and failed to respond to an order to show cause.
STANDARD OF REVIEW	A dismissal for failure to prosecute is reviewed for abuse of discretion. The decision to dismiss is committed to the district court's sound discretion.
PRECEDENTIAL VALUE	Unpublished district court memorandum; persuasive authority only.
PARTIES	Kenneth VanScoy v. Robert F. Kennedy, Jr.

TOPICS

- service of process
- civil procedure
- administrative procedure act
- medicare medicaid

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) because Plaintiff failed to serve the summons and complaint within 90 days.
2. Whether dismissal for failure to prosecute was warranted under Federal Rule of Civil Procedure 41(b) after Plaintiff failed to comply with the service requirement and the court's order to show cause.
3. Whether the Poulis factors supported dismissal for failure to prosecute.

HOLDINGS

1. A district court may dismiss an action without prejudice when a plaintiff fails to serve the defendant within Rule 4(m)'s 90-day period, particularly when the plaintiff has not sought additional time or shown cause for the failure.
2. A district court may sua sponte dismiss an action for failure to prosecute or failure to comply with a court order under Federal Rule of Civil Procedure 41(b).
3. Dismissal was warranted because the Poulis factors, considered in context, weighed heavily in favor of dismissal.

KEY QUOTATIONS

“The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an inherent power, governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” (II)

“Here, because VanScoy failed to serve the Secretary, dismissal is warranted without consideration of the Poulis factors.” (III)

“For these reasons, this action is DISMISSED without prejudice to VanScoy’s ability to file a separate action.” (IV)

FACTUAL BACKGROUND

VanScoy, acting as executor and under a power of attorney for his sister, sought judicial review of a Medicare Appeals Council decision upholding termination of coverage for her long-term care hospital services. He filed the complaint on June 5, 2025, and the court issued a summons the following day for service on the Secretary. VanScoy failed to serve the summons and complaint, failed to seek additional time for service, and failed to respond to the court's October 21, 2025 order to show cause.

PROCEDURAL HISTORY

VanScoy filed a complaint seeking judicial review of a Medicare Appeals Council decision concerning termination of coverage for his sister's long-term care hospital services. The court issued a summons on June 6, 2025, but VanScoy did not serve the Secretary within the Rule 4(m) period. After the court issued an order to

show cause, VanScoy failed to respond. The court dismissed the action without prejudice and directed the Clerk to close the matter.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)
- Hewlett v. Davis, 844 F.2d 109, 114 (3d Cir. 1988)
- Mindek v. Rigatti, 964 F.2d 1369, 1373-74 (3d Cir. 1992)
- Emerson v. Thiel Coll., 296 F.3d 184, 190 (3d Cir. 2002)
- Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868-70 (3d Cir. 1984)
- Hicks v. Feeney, 850 F.2d 152, 156 (3d Cir. 1988)
- Sebrell ex rel. Sebrell v. Phila. Police Dep't, 159 F. App'x 371, 373 (3d Cir. 2005)
- Landon v. Hunt, 977 F.2d 829, 833 (3d Cir. 1992)
- United States v. Brace, 1 F.4th 137, 143 (3d Cir. 2021)
- Vera v. Ashwood Fin., Inc., 2020 WL 13601339, at *2 (D.N.J. July 6, 2020)
- Shipman v. Delaware, 381 F. App'x 162, 164 (3d Cir. 2010)
- Gebhardt v. Borough of Island Heights, 2007 WL 4355465, at *1 (D.N.J. Dec. 7, 2007)
- Faulk v. Frommer, 2018 WL 6696605, at *2 (M.D. Pa. Dec. 20, 2018)
- Dively v. Seven Springs Farm, Inc., 2012 WL 1865414, at *3, *5 (W.D. Pa. Apr. 23, 2012)
- Snyder v. Bender, 2010 WL 5109655, at *4-*5 (M.D. Pa. Nov. 16, 2010)
- Adams v. Trs. of N.J. Brewery Emps.' Pension Tr. Fund, 29 F.3d 863, 873-76 (3d Cir. 1994)
- Ware v. Rodale Press, Inc., 322 F.3d 218, 222, 224 (3d Cir. 2003)
- Vessio v. Saw Creek Ests. Cmty. Ass'n, Inc., 2014 WL 6065924, at *5 (M.D. Pa. Nov. 6, 2014)
- Briscoe v. Klaus, 538 F.3d 252, 261-63 (3d Cir. 2008)
- Moffa v. Yellen, 2023 WL 8361793, at *3 (M.D. Pa. Nov. 13, 2023)
- Roman v. City of Reading, 121 F. App'x 955, 960 (3d Cir. 2005)
- Pieczynski v. PA, 2021 WL 1534978, at *2 (M.D. Pa. Apr. 19, 2021)
- Pieczynski v. Commonwealth of Pennsylvania, 2021 WL 5745694 (3d Cir. Dec. 2, 2021)

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