

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

D’Angelo v. The School District of Philadelphia

D’Angelo · No. 25-CV-5330 · Decided November 21, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania denied or dismissed as moot several motions filed by Guy D’Angelo and denied his motion to proceed under a pseudonym. The court dismissed with prejudice all claims against the individually named defendants and dismissed without prejudice the claims against the School District of Philadelphia. D’Angelo was granted thirty days to file a second amended complaint or to notify the court that he intended to stand on his amended complaint, with failure to respond resulting in a final dismissal order.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Chad F. Kenney
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	November 21, 2025
DOCKET	25-CV-5330
DISPOSITION	other
PROCEDURAL POSTURE	The district court considered Plaintiff's amended complaint and motions to proceed in forma pauperis, excuse a late filing, and proceed under a pseudonym.
PRECEDENTIAL VALUE	unknown

TOPICS

- motions to dismiss
- motion to amend
- pleadings
- employment discrimination
- civil procedure

PRACTICE AREAS

- civil procedure
- employment law
- civil rights

QUESTIONS PRESENTED

1. Whether the plaintiff's motion to proceed in forma pauperis required action when that relief had already been granted.
2. Whether the plaintiff could proceed under a pseudonym.
3. Whether the motion to excuse a late filing presented a live issue.
4. Whether the amended complaint's claims against the individual defendants and the School District should be dismissed, and whether leave to amend should be granted.
5. Whether the plaintiff could be required to file a complete second amended complaint identifying all defendants and stating the factual basis for each claim.

HOLDINGS

1. The motion to proceed in forma pauperis was properly denied because the court had already granted that relief.
2. The motion to proceed under a pseudonym was denied.
3. The motion to excuse late filing was denied as moot.
4. All claims asserted against the individually named defendants were dismissed with prejudice.
5. All claims against the School District were dismissed without prejudice, and the plaintiff was permitted to file a complete second amended complaint within thirty days.
6. If the plaintiff does not file a second amended complaint or a notice stating an intent to stand on the amended complaint within thirty days, the court will treat the inaction as an intent to stand on the amended complaint and will issue a final order dismissing the case.

KEY QUOTATIONS

“If the plaintiff does not desire to amend, he may file an appropriate notice with the district court asserting his intent to stand on the complaint, at which time an order to dismiss the action would be appropriate.”

“The second amended complaint shall be a complete document that does not rely on the initial Complaint, Amended Complaint, or other papers filed in this case to state a claim.”

FACTUAL BACKGROUND

The provided order contains no substantive employment facts underlying D’Angelo’s claims. It reflects that D’Angelo filed an amended complaint naming the School District of Philadelphia and multiple individual defendants, together with motions concerning in forma pauperis status, late filing, and use of a pseudonym. The court directed that the individual defendants be added to the docket, dismissed the claims against them with prejudice, and allowed amendment of the claims against the School District.

PROCEDURAL HISTORY

D’Angelo filed an amended complaint and related motions in an employment-discrimination action. The court denied in forma pauperis relief as duplicative because it had already granted that relief, denied pseudonym status, denied the late-filing motion as moot, dismissed all claims against the individually named defendants

with prejudice, and dismissed the claims against the School District without prejudice. The court granted thirty days to file a second amended complaint and warned that failure to respond would result in a final dismissal.

DISPOSITION

other

CASES CITED

- Weber v. McGrogan, 939 F.3d 232, 239-41 (3d Cir. 2019)
- Borelli v. City of Reading, 532 F.2d 950, 951 n.1 (3d Cir. 1976)
- In re Westinghouse Securities Litigation, 90 F.3d 696, 703-04 (3d Cir. 1996)
- Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984)
- Elansari v. Altria, 799 F. App'x 107, 108 n.1 (3d Cir. 2020) (per curiam)
- Dickens v. Danberg, 700 F. App'x 116, 118 (3d Cir. 2017) (per curiam)
- Baker v. Accounts Receivables Management, Inc., 292 F.R.D. 171, 175 (D.N.J. 2013)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA GUY D'ANGELO,; Plaintiff,; v.: CIVIL ACTION NO. 25-CV-5330 THE SCHOOL DISTRICT OF: PHILADELPHIA,; Defendant.: ORDER AND NOW, this 21st day of November 2025, upon consideration of Plaintiff Guy D'Angelo's Motion to Proceed In Forma Pauperis (ECF No. 10), Motion to Excuse Late Filing (ECF No. 11), Motion to Proceed Under a Pseudonym (ECF No. 13), and Amended Complaint (ECF No. 12) it is ORDERED that: 1.

The Clerk of Court is DIRECTED add the following persons as named Defendants: Chief Talent Officer Kaylan Connally, Deputy COO Teresa Fleming, Garage Supervisor Nadine Miller, Bus Dispatcher Antonio Wynn, Hearing Officer Sheila Wallin, District Counsel Michael Sheehan, Esq., Hearing Officer Rudolph Garcia, Esq., Shop Steward Charnel Brownlee, District Physician Dr. Jones, and Leave Specialist Dawn Reynolds.

2. The Motion to Proceed In Forma Pauperis is DENIED because the Court has already granted this relief. 3. The Motion to Proceed Under a Pseudonym is DENIED. 4. The Motion to Excuse Late Filing is DENIED as moot. 5.

The Amended Complaint is DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE for the reasons stated in the Court's Memorandum as follows: a. All claims asserted against Chief Talent Officer Kaylan Connally, Deputy COO Teresa Fleming, Garage Supervisor Nadine Miller, Bus Dispatcher Antonio Wynn, Hearing Officer Sheila Wallin, District Counsel Michael Sheehan, Esq., Hearing Officer Rudolph Garcia, Esq., Shop Steward Charnel Brownlee, District Physician Dr. Jones, and Leave Specialist Dawn Reynolds are

DISMISSED WITH PREJUDICE. b. All claims asserted against the School District of Philadelphia are DISMISSED WITHOUT PREJUDICE.

6. The Clerk of Court is DIRECTED to terminate Chief Talent Officer Kaylan Connally, Deputy COO Teresa Fleming, Garage Supervisor Nadine Miller, Bus Dispatcher Antonio Wynn, Hearing Officer Sheila Wallin, District Counsel Michael Sheehan, Esq., Hearing Officer Rudolph Garcia, Esq., Shop Steward Charnel Brownlee, District Physician Dr. Jones, and Leave Specialist Dawn Reynolds as Defendants.

7. D'Angelo may file a second amended complaint within thirty (30) days of the date of this Order. Any second amended complaint must identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint and shall state the basis for D'Angelo's claims against each defendant.

The second amended complaint shall be a complete document that does not rely on the initial Complaint, Amended Complaint, or other papers filed in this case to state a claim. When drafting his second amended complaint, D'Angelo should be mindful of the Court's reasons for dismissing the claims in his Amended Complaint as explained in the Court's Memorandum.

Specifically, while D'Angelo may use the Court's preprinted form, he must include in narrative form a complete description of the facts underlying any claim he seeks to present in numbered paragraphs. Additional pages may be attached to the form if needed. Merely attaching exhibits is not sufficient. Upon the filing of a second amended complaint, the Clerk shall not make service until so ORDERED by the Court.

8. The Clerk of Court is DIRECTED to send D'Angelo a blank copy of this Court's current standard form to be used by a self-represented litigant filing an employment discrimination action bearing the above-captioned civil action number. D'Angelo may use this form to file his second amended complaint if he chooses to do so. 9. If D'Angelo does not wish to further amend and instead intends to stand on his Amended Complaint as originally pled, he may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will issue a final order dismissing the case.

Any such notice should be titled "Notice to Stand on Amended Complaint," and shall include the civil action number for this case. See *Weber v. McGrogan*, 939 F.3d 232, 241 (3d Cir. 2019) ("If the plaintiff does not desire to amend, he may file an appropriate notice with the district court asserting his intent to stand on the complaint, at which time an order to dismiss the action would be appropriate." (quoting *Borelli v. City of Reading*, 532 F.2d 950, 951 n.1 (3d Cir.

1976))); In re *Westinghouse Sec. Litig.*, 90 F.3d 696, 703–04 (3d Cir. 1996) (holding "that the district court did not abuse its discretion when it dismissed with prejudice the otherwise viable claims... following plaintiffs' decision not to replead those claims" when the district court

“expressly warned plaintiffs that failure to replead the remaining claims... would result in the dismissal of those claims”).

10. If D’Angelo fails to file any response to this Order, the Court will conclude that D’Angelo intends to stand on his Amended Complaint and will issue a final order dismissing this case.¹ See Weber, 939 F.3d at 239-40 (explaining that a plaintiff’s intent to stand on his complaint may be inferred from inaction after issuance of an order directing him to take action to cure a defective complaint).

BY THE COURT: /s/ Chad F. Kenney CHAD F. KENNEY, J. 1 The six-factor test announced in Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984), is inapplicable to dismissal orders based on a plaintiff’s intention to stand on her complaint. See Weber, 939 F.3d at 241 & n.11 (treating the “stand on the complaint” doctrine as distinct from dismissals under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order, which require assessment of the Poulis factors); see also Elansari v. Altria, 799 F. App’x 107, 108 n.1 (3d Cir.

2020) (per curiam). Indeed, an analysis under Poulis is not required when a plaintiff willfully abandons the case or makes adjudication impossible, as would be the case when a plaintiff opts not to amend her complaint, leaving the case without an operative pleading. See Dickens v. Danberg, 700 F. App’x 116, 118 (3d Cir. 2017) (per curiam) (“Where a plaintiff’s conduct clearly indicates that he willfully intends to abandon the case, or where the plaintiff’s behavior is so contumacious as to make adjudication of the case impossible, a balancing of the Poulis factors is not necessary.”); Baker v. Accounts Receivables Mgmt., Inc., 292 F.R.D.

171, 175 (D.N.J. 2013) (“[T]he Court need not engage in an analysis of the six Poulis factors in cases where a party willfully abandons her case or otherwise makes adjudication of the matter impossible.” (citing cases)).