

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Leon Allen v. Wexford Health Sources, Inc., Chad Jennings, Sabrina
Bickers, and Phil Martin

Allen · No. 3:24-CV-2381-MAB · Decided March 24, 2026

SUMMARY

The United States District Court for the Southern District of Illinois grants Defendants Wexford Health Sources, Inc. and Sabrina Bickers’s motion to dismiss for lack of prosecution. The court dismisses Leon Allen’s 42 U.S.C. § 1983 action with prejudice under Federal Rule of Civil Procedure 41(b), citing his failure to comply with court orders, discovery obligations, and address-update requirements. The court finds the IDOC Defendants’ alternative motion moot and directs the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Mark A. Beatty
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	March 24, 2026
DOCKET	3:24-CV-2381-MAB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Wexford Health Sources, Inc. and Sabrina Bickers moved to dismiss the pro se plaintiff's § 1983 action for failure to prosecute. The court granted that motion and dismissed the action with prejudice under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	Dismissal for failure to prosecute under Rule 41(b) is reviewed under the requirement that dismissal be exercised sparingly and supported by a clear record of delay or contumacious conduct, consideration of less drastic sanctions, and an explicit warning that dismissal is imminent.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; persuasive authority only
PARTIES	Wexford Health Sources, Inc., Chad Jennings, Sabrina Bickers, Phil Martin

TOPICS

motions to dismiss

civil procedure

sanctions

section 1983

prisoners rights

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

health law

QUESTIONS PRESENTED

1. Whether the action should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with court orders.
2. Whether the IDOC Defendants' alternative motion to dismiss or amend the schedule remained necessary after dismissal of the action.

HOLDINGS

1. A court may dismiss an action with prejudice under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to prosecute or comply with the Federal Rules or a court order, and dismissal was warranted here because Allen's prolonged inaction, discovery noncompliance, failure to follow the address-update order, and failure to communicate constituted a clear record of delay and left no adequate alternative.
2. The IDOC Defendants' motion to dismiss or, alternatively, amend the schedule was moot because the action was dismissed with prejudice.

KEY QUOTATIONS

“The court should exercise this right sparingly”

“only when there is a clear record of delay or contumacious conduct, or when other less drastic sanctions have proven unavailing”

FACTUAL BACKGROUND

Allen brought a § 1983 action alleging inadequate medical care for throat cancer at Robinson Correctional Center. After being released, detained on a parole violation, and returned to IDOC custody, he failed to keep the court informed of his address despite repeated instructions and did not comply with a formal address-update order. He also failed to respond to written discovery, communicate with opposing counsel or the court, comply with scheduling obligations, or take substantive action for months.

PROCEDURAL HISTORY

Leon Allen filed a pro se § 1983 complaint alleging constitutionally inadequate medical care for throat cancer while incarcerated. He repeatedly failed to maintain a current address, comply with a court-ordered address update, respond to written discovery, comply with scheduling obligations, or communicate with the court and opposing counsel. The Wexford Defendants moved to dismiss for lack of prosecution, and the IDOC Defendants separately moved for dismissal or amendment of the schedule. The court granted the Wexford Defendants'

motion, denied the need to reach the IDOC Defendants' motion as moot, dismissed the case with prejudice, and directed entry of judgment.

DISPOSITION

dismissed

CASES CITED

- Salata v. Weyerhaeuser Co., 757 F.3d 695, 699 (7th Cir. 2014)
- Webber v. Eye Corp., 721 F.2d 1067, 1069 (7th Cir. 1983)
- Sherman v. Quinn, 668 F.3d 421, 425 (7th Cir. 2012)
- Abuelyaman v. Illinois State University, 667 F.3d 800, 807 (7th Cir. 2011)
- Talano v. Nw. Med. Faculty Found., Inc., 273 F.3d 757, 760 (7th Cir. 2001)
- Elustra v. Mineo, 595 F.3d 699, 707 (7th Cir. 2010)
- Carlson v. CSX Transportation, Inc., 758 F.3d 819, 826 (7th Cir. 2014)
- Talano v. Northwestern Medical Faculty Foundation, Inc., 273 F.3d 757, 760-61 (7th Cir. 2001)
- Martinez v. Trainor, 556 F.2d 818, 819-20 (7th Cir. 1977)