

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Linda Gilmer v. Transit Mutual Insurance Corp.—WI

Gilmer v. Transit Mutual Insurance Corp.—WI, Case No. 25-CV-1858-JPS (E.D. Wis. Feb. 26, 2026) · No. 25-CV-1858-JPS · Decided February 26, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin dismissed Linda Gilmer’s action against Transit Mutual Insurance Corp.—WI without prejudice after she failed to file an amended complaint by the court-ordered deadline. The court also denied her motion to proceed without prepaying the filing fee as moot and directed the Clerk to enter judgment.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
WRITING FOR THE COURT	J.P. Stadtmueller
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	February 26, 2026
DOCKET	25-CV-1858-JPS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Sua sponte dismissal of a pro se action without prejudice for failure to prosecute after the plaintiff failed to file an amended complaint by the court-ordered deadline.
STANDARD OF REVIEW	The court exercised its authority to dismiss sua sponte for failure to prosecute based on the plaintiff’s noncompliance with a court order and lack of diligence.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- civil procedure
- pleadings
- motions to dismiss
- insurance
- remedies

PRACTICE AREAS

- civil procedure
- insurance
- remedies

QUESTIONS PRESENTED

1. Whether the court could sua sponte dismiss the action without prejudice for failure to prosecute after the plaintiff failed to comply with an order requiring an amended complaint.
2. Whether the plaintiff's motion to proceed without prepaying the filing fee should be denied as moot after dismissal without prejudice.

HOLDINGS

1. A district court may sua sponte dismiss an action without prejudice for failure to prosecute when the plaintiff fails to comply with a court-ordered deadline to file an amended complaint.
2. The plaintiff's motion to proceed without prepaying the filing fee is denied as moot after the action is dismissed without prejudice.

KEY QUOTATIONS

“A good judge sets deadlines, and the judge has a right to assume that deadlines will be honored.” (at 2)

“district courts have the inherent power to remedy dilatory conduct by dismissing a case for want of prosecution without a motion from the opposing party.” (at 2)

FACTUAL BACKGROUND

Linda Gilmer, proceeding pro se, sued Transit Mutual Insurance Corp.–WI for alleged negligence in responding to injuries and refusing to compensate her. After screening the complaint, the court allowed her to amend to cure deficiencies and set a February 6, 2026 deadline. The court mailed the screening order to her address of record, but she filed no amended complaint or other submission.

PROCEDURAL HISTORY

Plaintiff filed a negligence and insurance-related complaint in November 2025 and moved to proceed without prepaying the filing fee. In January 2026, the court screened the complaint, granted leave to amend, deferred ruling on the fee motion, and ordered an amended complaint by February 6, 2026, warning that noncompliance would result in dismissal for failure to prosecute. Plaintiff filed neither an amended complaint nor any further submission, so the court dismissed the action without prejudice and denied the fee motion as moot.

DISPOSITION

dismissed

CASES CITED

- *Spears v. City of Indianapolis*, 74 F.3d 153, 157 (7th Cir. 1996)
- *Harrington v. City of Chicago*, 433 F.3d 542, 548 (7th Cir. 2006)
- *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962)
- *O'Rourke Bros., Inc. v. Nesbitt Burns, Inc.*, 201 F.3d 948, 952 (7th Cir. 2000)

OPINION

Gilmer

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
LINDA GILMER,
Plaintiff, Case No. 25-CV-1858-JPS v.
TRANSIT MUTUAL INSURANCE
CORP.—WI, ORDER

Defendant. In November 2025, Plaintiff Linda Gilmer (“Plaintiff”), proceeding pro se, sued Defendant Transit Mutual Insurance Corp.—WI (“Defendant”) for alleged negligence in responding to her injuries and subsequent refusal to compensate her for her injuries. ECF No. 1. Plaintiff additionally filed a motion for leave to proceed without prepaying the filing fee. ECF No. 2. The Court screened Plaintiff’s complaint in January 2026, granting her leave to amend her complaint to cure certain deficiencies. ECF No. 4. The Court further deferred ruling on Plaintiff’s motion to proceed in forma pauperis. *Id.* at 3. In its screening order, the Court warned Plaintiff that failure to timely file an amended complaint would result in dismissal of this action for failure to prosecute without further notice. *Id.* at 7–8. The Court ordered Plaintiff to file her amended complaint by February 6, 2026. *Id.* The Court mailed that order to Plaintiff at her address of record. *Id.*, Docket Annotation. Plaintiff has not filed an amended complaint, nor anything further, in this case. “A good judge sets deadlines, and the judge has a right to assume that deadlines will be honored.” *Spears v. City of Indianapolis*, 74 F.3d 153, 157 (7th Cir. 1996). “Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action . . . the Court may enter an order of dismissal with or without prejudice.” Civ. L.R. 41(c). The Court may do so sua sponte. *Harrington v. City of Chicago*, 433 F.3d 542, 548 (7th Cir. 2006) (“[D]istrict courts have the inherent power to remedy dilatory conduct by dismissing a case for want of prosecution without a motion from the opposing party.” (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) and *O’Rourke Bros., Inc. v. Nesbitt Burns, Inc.*, 201 F.3d 948, 952 (7th Cir. 2000))). Because Plaintiff failed to comply with the Court’s January 7, 2026 order to file an amended complaint by February 6, 2026, the Court will dismiss this action without prejudice. Because this action is dismissed without prejudice, Plaintiff’s motion to proceed in forma pauperis, ECF No. 2, will be denied as moot. Accordingly, IT IS ORDERED that this case be and the same is hereby DISMISSED without prejudice; and IT IS FURTHER ORDERED that Plaintiff Linda Gilmer’s motion to proceed without prepayment of the filing fee, ECF No. 2, be and the same is hereby DENIED as moot. The Clerk of the Court is directed to enter judgment accordingly. Dated at Milwaukee, Wisconsin, this 26th day of February, 2026. BY THE COURT: \ AV ye Ree...) J.R. Stadtraueller U.S. District Judge Page 2 of 3 This Order and the judgment to follow are final. A dissatisfied party may appeal this Court’s decision to the Court of Appeals for the Seventh Circuit

by filing in this Court a notice of appeal within thirty (30) days of the entry of judgment. See Fed. R. App. P. 3, 4. This Court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the thirty-day deadline. See Fed. R. App. P. 4(a)(5)(A). Moreover, under certain circumstances, a party may ask this Court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within twenty-eight

(28) days of the entry of judgment. The Court cannot extend this deadline.

See Fed. R. Civ. P. 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The Court cannot extend this deadline. See *id.* A party is expected to closely review all applicable rules and determine what, if any, further action is appropriate in a case.