

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PRECEDENTIAL VALUE	unpublished district court order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)

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