

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Ronald M. Van Pelt v. Jon M. Uraski, Charles W. Heck, Bradley A.
Kirkman

Van Pelt v. Uraski · No. 3:23-cv-01656-GCS · Decided May 26, 2026

SUMMARY

The United States District Court for the Southern District of Illinois dismissed Ronald M. Van Pelt’s action with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with court orders. The court directed the Clerk to enter judgment and explained the deadlines and procedures for seeking reconsideration or appealing to the Seventh Circuit.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Gilbert C. Sison
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	May 26, 2026
DOCKET	3:23-cv-01656-GCS
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with court orders.
STANDARD OF REVIEW	A district court may dismiss an action for failure to prosecute or failure to comply with court orders, but the Seventh Circuit requires consideration of alternatives to dismissal and factors including the frequency and egregiousness of noncompliance, effects on the court's calendar, and prejudice to defendants.
PRECEDENTIAL VALUE	Unknown; memorandum and order from the United States District Court for the Southern District of Illinois.
PARTIES	Ronald M. Van Pelt v. Jon M. Uraski, Charles W. Heck, Bradley A. Kirkman

TOPICS

civil procedure

summary judgment

appellate procedure

motion for reconsideration

standard of review

PRACTICE AREAS

civil procedure

prisoner civil rights

QUESTIONS PRESENTED

1. Whether the action should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to prosecute the case and failed to comply with multiple court orders.
2. What deadlines and procedural options applied to a potential Rule 59(e) motion and appeal from the judgment.

HOLDINGS

1. Dismissal with prejudice under Federal Rule of Civil Procedure 41(b) was warranted because Plaintiff repeatedly failed to comply with court orders and failed to prosecute the action.
2. A timely Rule 59(e) motion in proper form tolls the time for filing a notice of appeal, while an untimely or completely insubstantial motion does not.

KEY QUOTATIONS

“when it dismisses a suit ‘immediately after the first problem, without exploring other options or saying why they would not be fruitful.’” (at 1)

“Accordingly, the Court DISMISSES with prejudice this action pursuant to Rule 41(b).” (at 2)

FACTUAL BACKGROUND

Plaintiff stopped participating in the case after a mediation session in July 2025. He failed to respond to Defendants' motion for summary judgment, the court's order directing him to respond, and a subsequent show-cause order. The court noted that allowing the case to continue would detrimentally affect the efficient handling of the court's more than 160 other cases.

PROCEDURAL HISTORY

Defendants filed a motion for summary judgment on November 7, 2025. Plaintiff did not respond, did not comply with the court's January 20, 2026 order directing a response, and did not respond to the court's March 10, 2026 show-cause order. The court dismissed the action with prejudice, closed the case, and directed the clerk to enter judgment.

DISPOSITION

dismissed

CASES CITED

- *Sroga v. Huberman*, 722 F.3d 980, 982 (7th Cir. 2013)
- *Johnson v. Chicago Board of Education*, 718 F.3d 731, 732-733 (7th Cir. 2013)
- *Kruger v. Apfel*, 214 F.3d 784, 786-787 (7th Cir. 2000)
- *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005)
- *Elustra v. Mineo*, 595 F.3d 699, 707 (7th Cir. 2010)
- *Talano v. Northwestern Medical Faculty Foundation, Inc.*, 273 F.3d 757, 760 (7th Cir. 2001)
- *Blue v. Hartford Life & Accident Insurance Co.*, 698 F.3d 587, 598 (7th Cir. 2012)
- *Carlson v. CSX Transportation, Inc.*, 758 F.3d 819, 826 (7th Cir. 2014)
- *Martinez v. Trainor*, 556 F.2d 818, 819-820 (7th Cir. 1977)
- *Sherman v. Quinn*, 668 F.3d 421, 424 (7th Cir. 2012)
- *Abuelyaman v. Illinois State University*, 667 F.3d 800, 807 (7th Cir. 2011)

OPINION

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS
 RONALD M. VAN PELT,)) Plaintiff,)) vs.) Case No. 3:23-cv-01656-GCS) JON M. URASKI,
 CHARLES W.) HECK, BRADLEY A. KIRKMAN,)) Defendants,) MEMORANDUM &
 ORDER SISON, Magistrate Judge: On November 7, 2025, Defendants filed a Motion for
 Summary Judgment in this case. (Doc. 48).

As Plaintiff did not respond to the motion, the Court, on January 20, 2026, directed Plaintiff to respond by February 11, 2026. (Doc. 50). Plaintiff did not respond. On March 10, 2026, the Court issued a Show Cause Order requiring Plaintiff to show why the case should not be dismissed for failure to prosecute. (Doc. 51).

As of this date, Plaintiff has not responded to the Show Cause Order. Plaintiff has not participated in this case since a mediation session in July 2025. (Doc. 44). Federal Rule of Civil Procedure 41(b) provides that “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” In dismissing a case for lack of prosecution, Page 1 of 4 the Seventh Circuit has indicated that a district court commits legal error “when it dismisses a suit ‘immediately after the first problem, without exploring other options or saying why they would not be fruitful.’” *Sroga v. Huberman*, 722 F.3d 980, 982 (7th Cir.

2013) (quoting *Johnson v. Chicago Bd. of Educ.*, 718 F.3d 731, 732-733 (7th Cir. 2013)). The Seventh Circuit has suggested that in addition to warning the plaintiff, the court must consider essential factors such as “the frequency and egregiousness of the plaintiff’s failure to comply with other deadlines, the effect of the delay on the court’s calendar, and the prejudice resulting to the defendants.” *Id.* (citing *Kruger v. Apfel*, 214 F.3d 784, 786-787 (7th Cir.

2000)). Plaintiff failed to follow Court Orders by failing to respond to Defendants' Motion for Summary Judgment, the Court's Order dated January 20, 2026, directing Plaintiff to respond to the Motion for Summary Judgment, and the Court's Show Cause Order dated March 10, 2026. (Doc. 48, 50, 51).

The Court has more than 160 cases on its docket, and if the Court permits this case to drag on further waiting for Plaintiff to respond, it will detrimentally impact the efficient and timely handling of its other cases.

Accordingly, the Court DISMISSES with prejudice this action pursuant to Rule 41(b). See FED. R. CIV. PROC. 41(b); see generally *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005). The case is CLOSED, and the Clerk of Court is DIRECTED to enter judgment accordingly.

In an abundance of caution, and noting Plaintiff's pro se status, the Court informs Plaintiff as follows. Plaintiff has two means of contesting this order: he may either request Page 2 of 4 this Court review this order, or he may appeal the order to the Seventh Circuit Court of Appeals. If Plaintiff chooses to request this Court to review the order, he should file a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e).

Plaintiff must file the motion within twenty-eight (28) days of the entry of judgment; the deadline cannot be extended. See FED. R. CIV. PROC. 59(e); 6(b)(2). The motion must also comply with Rule 7(b)(1) and state with sufficient particularity the reason(s) the Court should reconsider the judgment. See *Elustra v. Mineo*, 595 F.3d 699, 707 (7th Cir. 2010); *Talano v. Northwestern Medical Faculty Foundation, Inc.*, 273 F.3d 757, 760 (7th Cir.

2001). See also *Blue v. Hartford Life & Acc. Ins. Co.*, 698 F.3d 587, 598 (7th Cir. 2012) (stating that a party must establish either manifest error of law or fact, or that newly discovered evidence precluded entry of judgment in order to prevail on a Rule 59(e) motion) (citation and internal quotation marks omitted). So long as the Rule 59(e) motion is in proper form and timely submitted, the 30- day clock for filing a notice of appeal will be tolled.

See FED. R. APP. PROC. 4(a)(4). The clock will start anew once the undersigned rules on the Rule 59(e) motion. See FED. R. APP. PROC. 4(a)(1)(A), (a)(4), (a)(4)(B)(ii). However, if the Rule 59(e) motion is filed outside the 28-day deadline or "completely devoid of substance," the motion will not toll the time for filing a notice of appeal; it will expire 30 days from the entry of judgment.

Carlson v. CSX Transp., Inc., 758 F.3d 819, 826 (7th Cir. 2014); *Martinez v. Trainor*, 556 F.2d 818, 819– Page 3 of 4 820 (7th Cir. 1977). Again, this deadline can be extended only on a written motion by Plaintiff showing excusable neglect or good cause.

In contrast, if Plaintiff chooses to go straight to the Seventh Circuit, he must file a notice of appeal from the entry of judgment or order appealed from within 30 days. See FEED. R. App. PROC. 4(a)(1)(A) (emphasis added).

The deadline can be extended for a short time only if Plaintiff files a motion showing excusable neglect or good cause for missing the deadline and asking for an extension of time. See FED. R. App. PROC. 4(a)(5)(A), (C). See also *Sherman v. Quinn*, 668 F.3d 421, 424 (7th Cir. 2012) (explaining the good cause and excusable neglect standards); *Abuelyaman v. Illinois State University*, 667 F.3d 800, 807 (7th Cir.

2011) (explaining the excusable neglect standard). Plaintiff may appeal to the Seventh Circuit by filing a notice of appeal in this Court. See FED. R. App. PROC. 3(a). The current cost of filing an appeal with the Seventh Circuit is \$605.00.

The filing fee is due at the time the notice of appeal is filed. See FED. R. PROC. 3(e). If Plaintiff cannot afford to pay the entire filing fee up front, he must file a motion for leave to appeal in forma pauperis (“IFP motion”). See FED. R. APP. PROC. 24(a)(1).

The IFP motion must set forth the issues Plaintiff plans to present on appeal. See FED. R. App. PROC. 24(a)(1)(C). IT IS SO ORDERED. hence signed by. Judge Sison DATED: May 26, 2026. et Sate 20260526 GILBERTC.SISON United States Magistrate Judge Page 4 of 4