

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Ronnie R. Martin v. Officer Xiong, Officer Alba, Officer Beres, Doe
Defendants, City of Milwaukee, City of St. Francis, ABC Insurance
Company 1, and ABC Insurance Company 2

Martin · No. 24-CV-1664-JPS-JPS · Decided April 23, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin dismissed Ronnie R. Martin’s civil-rights case without prejudice for failure to prosecute and failure to cooperate in discovery. The court granted the Milwaukee Defendants’ motion under Federal Rule of Civil Procedure 41(b) and Civil Local Rule 41(c), 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	April 23, 2026
DOCKET	24-CV-1664-JPS-JPS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Officer Alba, Officer Xiong, and the City of Milwaukee moved to dismiss the action for failure to prosecute and failure to cooperate in discovery.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motions to dismiss
- sanctions
- discovery dispute
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether the court could dismiss the action without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) and Civil Local Rule 41(c).
2. Whether the plaintiff's failure to cooperate in discovery independently supported dismissal as a sanction.

HOLDINGS

1. A district court may dismiss an action without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b) and Civil Local Rule 41(c), including where the plaintiff has failed to maintain communication with the court and participate in the litigation.
2. A court may dismiss an action as a sanction when a plaintiff fails to cooperate in discovery.

KEY QUOTATIONS

“A court may also dismiss a case as a sanction against a plaintiff who has not cooperated in discovery.” (at 1)

“Pursuant to Federal Rule of Civil Procedure 41(b) and Civil Local Rule 41(c), the Milwaukee Defendants’ motion will be granted, and this case will be dismissed without prejudice.” (at 1-2)

FACTUAL BACKGROUND

Plaintiff Ronnie R. Martin stopped communicating with the court after updating his mailing address in October 2025. Defendants were unable to reach him through three email addresses or at his updated mailing address, and mail containing the scheduling order was returned as undeliverable. Defendants also unsuccessfully attempted to serve discovery requests on him from January through March 2026. Plaintiff did not timely respond to the motion to dismiss.

PROCEDURAL HISTORY

The case was filed in December 2024. Plaintiff last communicated with the court in October 2025 to update his mailing address, after which defendants' communications and the court's scheduling order were returned or went unanswered. Defendants also unsuccessfully attempted to serve discovery requests. Plaintiff did not timely respond to the motion to dismiss, and the court granted the motion and dismissed the case without prejudice.

DISPOSITION

dismissed

CASES CITED

- Fischer v. Cingular Wireless, LLC, 446 F.3d 663 (7th Cir. 2006)
- Nelson v. Schulz, 878 F.3d 236, 239 (7th Cir. 2017)

OPINION

Martin

PER CURIAM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
RONNIE R. MARTIN,
Plaintiff, Case No. 24-CV-1664-JPS-JPS v.
OFFICER XIONG, OFFICER ALBA, ORDER
OFFICER BERES, DOE
DEFENDANTS, CITY OF
MILWAUKEE, CITY OF ST.
FRANCIS, ABC INSURANCE
COMPANY 1, and ABC INSURANCE
COMPANY 2,

Defendants. This case has been pending since late December 2024. ECF No. 1. Plaintiff Ronnie R. Martin (“Plaintiff”) last affirmatively communicated with the Court in early October 2025 to update his mailing address. ECF No. 17. Defendants subsequently tried to contact Plaintiff at three different email addresses and received no response; they also tried to contact him at his updated mailing address, and that mail was returned. ECF No. 33 at 1. The Court entered a scheduling order and mailed it to Plaintiff at his address of record, which was also returned as undeliverable. ECF Nos. 35, 35-1. Additionally, in January through March 2026, Defendants Officer Alba, Officer Xiong, and the City of Milwaukee (the “Milwaukee Defendants”) attempted unsuccessfully to serve discovery requests on Plaintiff at his address of record. ECF No. 39. The Milwaukee Defendants accordingly now move to dismiss Plaintiff’s case for failure to prosecute. ECF Nos. 37, 38. Plaintiff has not filed any timely response to the motion. The remaining named Defendants, Officer Beres and the City of St. Francis, have not opposed the motion. Plaintiff was warned previously that failure to provide an updated mailing address could result in dismissal of the case without prejudice. ECF No. 12 at 19. Even if the Court had not provided such a warning, it could still dismiss his case. See generally *Fischer v. Cingular Wireless, LLC*, 446 F.3d 663 (7th Cir. 2006) (affirming dismissal for failure to prosecute without explicit notice by district court to plaintiff). A court may also dismiss a case as a sanction against a plaintiff who has not cooperated in discovery. *Nelson v. Schulz*, 878 F.3d 236, 239 (7th Cir. 2017) (citing FED. R. Civ. P. 37(b) and 41(b)). Pursuant to Federal Rule of Civil Procedure 41(b) and Civil Local Rule 41(c), the Milwaukee Defendants’ motion will be granted, and this case will be dismissed without prejudice. Accordingly, IT IS ORDERED that Defendants Officer Alba, Officer Xiong, and the City of Milwaukee’s motion to dismiss, ECF No. 37, be and the same is hereby GRANTED; and IT IS FURTHER ORDERED that this case be and the same is hereby DISMISSED without prejudice. The Clerk of Court is directed to enter judgment accordingly. Dated at Milwaukee, Wisconsin, this 23rd day of April, 2026. wee) J.P. Stach ueller U.S) Disttict 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.