

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Phillips v. C/O Schlott

No. 3:24-cv-01930-RJD, United States District Court for the Southern District of Illinois (June 5, 2026)

SUMMARY

The United States District Court for the Southern District of Illinois granted Defendant Schlott’s motion to dismiss Darius Phillips’s civil rights action for failure to prosecute. The court found that Phillips failed to attend his deposition, update his address, respond to the motion to dismiss, and comply with an order to show cause. The case was dismissed with prejudice under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Reona J. Daly
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	June 5, 2026
DOCKET	3:24-cv-01930-RJD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 41(b) to dismiss the § 1983 action for failure to prosecute, failure to attend a deposition, failure to update the Court with a change of address, and failure to comply with a show-cause order.
STANDARD OF REVIEW	The Court exercised judicial discretion under Federal Rule of Civil Procedure 41(b), considering the frequency and magnitude of the plaintiff's noncompliance, responsibility for the failures, effects on the Court's calendar, prejudice to the defendant, the merits of the suit, and the consequences of dismissal for the social objectives of the litigation.
PRECEDENTIAL VALUE	nonprecedential district court order
PARTIES	Darius Phillips v. C/O Schlott

TOPICS

motions to dismiss

civil procedure

sanctions

section 1983

civil rights

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

QUESTIONS PRESENTED

1. Whether the action should be involuntarily dismissed with prejudice under Federal Rule of Civil Procedure 41(b) because Phillips failed to prosecute the case, attend his deposition, update his address, respond to the motion to dismiss, and comply with the order to show cause.

HOLDINGS

1. Dismissal with prejudice was warranted because Phillips repeatedly failed to prosecute the action and comply with Court orders, including by failing to engage in discovery, attend his deposition, update his address, respond to the motion to dismiss, and comply with the order to show cause.

KEY QUOTATIONS

“Dismissal is the most severe sanction that a court may apply; as such, “its use must be tempered by a careful exercise of judicial discretion.”” (at 2)

“Although lesser sanctions may be available, they would be unavailing, as Plaintiff has clearly lost interest in litigating this case.” (at 3)

FACTUAL BACKGROUND

Phillips, formerly incarcerated within the Illinois Department of Corrections, brought a § 1983 action alleging that Warden David Mitchell and C/O Schlott violated his constitutional rights. After being released on mandatory supervised release, Phillips did not notify the Court of his new address. He failed to appear for a Zoom deposition scheduled by Schlott, did not respond to the motion to dismiss, and did not comply with the Court's order to show cause.

PROCEDURAL HISTORY

Phillips filed a § 1983 action against Warden David Mitchell and C/O Schlott on August 19, 2024. The Court later dismissed the claims against Mitchell for failure to exhaust administrative remedies, leaving Schlott as the remaining defendant. After Phillips was released from custody without updating his address, he failed to appear for a scheduled deposition, failed to respond to the motion to dismiss, and failed to comply with an order to show cause. The Court granted the motion and dismissed the case with prejudice for want of prosecution.

DISPOSITION

dismissed

CASES CITED

- Webber v. Eye Corp., 721 F.2d 1067, 1069 (7th Cir. 1983)
- Aura Lamp & Lighting Inc. v. Int'l Trading Corp., 325 F.3d 903, 908 (7th Cir. 2003)
- Ball v. City of Chicago, 2 F.3d 752, 760 (7th Cir. 1993)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-southern-district-of-il/2026/phillips-v-c-o-schlott-v2s8qo34>