

DISTRICT COURT OF THE VIRGIN ISLANDS, DIVISION OF ST. CROIX

Stephanie McIntosh-Luis v. Commissioner Nelson Petty, Jr., Dayna Clendinen, Tessa Hart, Ruben Jennings, and Ronald Hall

McIntosh-Luis v. Petty · No. 2020-0023 · Decided February 10, 2026

SUMMARY

The District Court of the Virgin Islands dismisses Stephanie McIntosh-Luis’s civil action with prejudice for failure to prosecute. The dismissal follows Plaintiff’s failure to file a second amended complaint by two court-ordered deadlines after her claims were dismissed without prejudice for failure to state a claim. The Court relies on its inherent authority and Federal Rule of Civil Procedure 41(b), applying the principles discussed in Poulis and related Third Circuit decisions.

CASE DETAILS

COURT	District Court of the Virgin Islands, Division of St. Croix
JURISDICTION	District Court of the Virgin Islands, Division of St. Croix
DECIDED	February 10, 2026
DOCKET	2020-0023
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court considered its own prior orders dismissing Plaintiff's claims without prejudice for failure to state a claim and allowing her to file a second amended complaint. After Plaintiff failed to meet two expressly stated deadlines, the court dismissed the action with prejudice for failure to prosecute.
STANDARD OF REVIEW	A district court may dismiss for failure to prosecute under its inherent authority and Federal Rule of Civil Procedure 41(b); the opinion states that a court does not abuse its discretion when dismissing where the litigant's conduct has made adjudication impossible.
PRECEDENTIAL VALUE	Unknown
PARTIES	Stephanie McIntosh-Luis v. Commissioner Nelson Petty, Jr., Dayna Clendinen, Tessa Hart, Ruben Jennings, Ronald Hall

TOPICS

- civil procedure
- pleadings
- motion to amend

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action with prejudice for failure to prosecute after Plaintiff failed to file a second amended complaint by two court-ordered deadlines despite being warned of the consequence.
2. Whether the court was required to balance the Poulis factors before entering a with-prejudice dismissal.

HOLDINGS

1. A district court may dismiss an action for failure to prosecute under its inherent authority to manage its docket and under Federal Rule of Civil Procedure 41(b).
2. A district court need not balance the Poulis factors before dismissing with prejudice when a litigant willfully refuses to prosecute after receiving an adverse ruling and notice that failure to amend may result in dismissal.

KEY QUOTATIONS

“Courts may dismiss a case for lack of prosecution under their “inherent power” to “manage their own affairs so as to achieve the orderly and expeditious disposition of cases.”” (45 F.4th at 661)

“a district court need not balance the Poulis factors before dismissing a case with prejudice when a litigant willfully refuses to prosecute after receiving an adverse ruling.” (45 F.4th at 661)

“A court does not abuse its discretion in dismissing for failure to prosecute where a litigant’s conduct has made adjudication impossible.” (45 F.4th at 661)

FACTUAL BACKGROUND

The court had previously dismissed Plaintiff's claims without prejudice for failure to state a claim and gave her until August 28, 2024, to file a second amended complaint addressing identified deficiencies. Plaintiff did not file by that deadline. After receiving a second deadline through September 18, 2024, together with a warning that noncompliance could result in dismissal with prejudice for failure to prosecute, Plaintiff again failed to file.

PROCEDURAL HISTORY

On July 29, 2024, the court dismissed Plaintiff's claims without prejudice for failure to state a claim and gave her until August 28, 2024, to amend. After Plaintiff failed to file, the court extended the deadline to September 18, 2024, and warned that failure to respond could result in dismissal with prejudice for failure to prosecute. Plaintiff again failed to file, so the court rendered its prior dismissal final and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- R&C Oilfield Servs. LLC v. Am. Wind Transp. Grp. LLC, 45 F.4th 655, 661 (3d Cir. 2022)
- Elansari v. Altria, 799 F. App'x 107, 108 (3d Cir. 2020)
- Briscoe v. Klaus, 538 F.3d 252, 257 (3d Cir. 2008)
- Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984)

OPINION

DISTRICT COURT OF THE VIRGIN ISLANDS DIVISION OF ST. CROIX STEPHANIE MCINTOSH-LUIS,)) Plaintiff,) Civil Action No. 2020-0023) v.)) COMMISSIONER NELSON PETTY, JR.,) DAYNA CLENDINEN, TESSA HART,) RUBEN JENNINGS, and RONALD HALL,)) Defendants.) _____)
Appearances: Stephanie McIntosh-Luis Pro Se Venetia H. Velazquez, Esq.

St. Croix, U.S.V.I. For Defendants MEMORANDUM OPINION AND ORDER THIS MATTER comes before the Court on Plaintiff Stephanie McIntosh-Luis's ("Plaintiff") failure to file a second amended complaint pursuant to the Court's July 29, 2024 Order (Dkt. No. 56) and the Court's August 29, 2024 Order (Dkt. No. 60).

The Court's July 29, 2024 Order (Dkt. No. 56) dismissed without prejudice Plaintiff's claims for failure to state a claim and granted Plaintiff up to and including August 28, 2024 within which to amend her Amended Complaint to address the deficiencies identified in the Court's accompanying Memorandum Opinion (Dkt. No. 57). Plaintiff did not file a second amended complaint by the August 28, 2024 deadline.

On August 29, 2024, the Court then granted Plaintiff up to and including September 18, 2024 within which to file a second amended complaint and ordered that Plaintiff's failure to timely respond to its August 29, 2024 Order may result in the dismissal of this case with prejudice for failure to prosecute. (Dkt. No. 60). Again, Plaintiff did not file a second amended complaint by the September 18, 2024 deadline.

Courts may dismiss a case for lack of prosecution under their "inherent power" to "manage their own affairs so as to achieve the orderly and expeditious disposition of cases." R&C Oilfield Servs. LLC v. Am. Wind Transp. Grp. LLC, 45 F.4th 655, 661 (3d Cir. 2022) (also affirming the District Court's dismissal of the case for failure to prosecute "pursuant to Rule 41(b)" of the Federal Rules of Civil Procedure). "[O]rdinarily, District Courts must consider various factors [as set forth in Poulis v. State Farm Fire & Cas.

Co.] before dismissing an action on that basis." Elansari v. Altria, 799 F. App'x 107, 108 (3d Cir. 2020) (citing Briscoe v. Klaus, 538 F.3d 252, 257 (3d Cir. 2008)); see also Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863, 868 (3d Cir. 1984)).

However, “a district court need not balance the Poulis factors before dismissing a case with prejudice when a litigant willfully refuses to prosecute after receiving an adverse ruling.” R&C Oilfield Servs. LLC, 45 F.4th at 661.

For example, when a district court initially dismissed a plaintiff’s complaint without prejudice on the merits and “notified [the plaintiff] that the action was subject to dismissal if [they] did not file an amended complaint,” then “the effect of the District Court’s subsequent dismissal for failure to prosecute [is] simply to render final its previous dismissal for failure to state a claim.” Elansari, 799 F. App’x at 108.

Here, the Court dismissed Plaintiff’s claims, without prejudice, for failure to state a claim and ordered that Plaintiff “shall have up to and including August 28, 2024 within which to amend her Amended Complaint.” (Dkt. No. 56 at 2). That deadline having passed without a filing from Plaintiff, the Court then gave Plaintiff another opportunity to respond by ordering that “Plaintiff shall have up to and including September 18, 2024 within which to file a second amended complaint,” and additionally warning that “Plaintiff’s failure to timely respond to this Order may result in the dismissal of this case with prejudice for failure to prosecute.” (Dkt.

No. 60). Thus, as with the plaintiff in Elansari, this court will “render final its previous dismissal for failure to state a claim” following Plaintiff’s failure to file a second amended complaint despite being given two deadlines to do so. 799 F. App’x at 108; see also R&C Oilfield Servs. LLC, 45 F.4th at 661 (“A court does not abuse its discretion in dismissing for failure to prosecute where a litigant’s conduct has made adjudication impossible.”).

Accordingly, the Court will dismiss with prejudice the instant case for failure to prosecute. UPON CONSIDERATION of the foregoing, it is hereby ORDERED that this case is DISMISSED for failure to prosecute; and it is further ORDERED that the Clerk of Court is directed to mark this case CLOSED. SO ORDERED. Date: February 10, 2026 ____/s/____ WILMA A. LEWIS
Senior District Judge