

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Yazzmine Gallimore v. Merakey, et al.

Gallimore · No. 25-CV-6089 · Decided February 4, 2026

SUMMARY

The United States District Court for the Eastern District of Pennsylvania lifts the stay in Yazzmine Gallimore’s action against Merakey and other defendants and dismisses the complaint without prejudice. The order permits Gallimore to file an amended complaint within 30 days, or to notify the Court that she intends to stand on the original complaint, warning that failure to respond will result in a final dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Kain D. Scott
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	February 4, 2026
DOCKET	25-CV-6089
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court lifted a stay and dismissed the self-represented plaintiff's complaint without prejudice, granting thirty days to amend or alternatively allowing her to notify the court that she intended to stand on the complaint.
PRECEDENTIAL VALUE	Unknown

TOPICS

- pleadings
- civil procedure
- employment discrimination
- title vii

PRACTICE AREAS

- civil procedure
- employment law
- civil rights

QUESTIONS PRESENTED

1. Whether the initial complaint should be dismissed without prejudice for the reasons stated in the court's memorandum.
2. Whether Gallimore should be permitted to amend the complaint within thirty days.
3. Whether a plaintiff's failure to amend or otherwise respond may be treated as an intention to stand on the complaint and lead to a final dismissal without requiring analysis under the Poulis factors.

HOLDINGS

1. The complaint was dismissed without prejudice, with leave to file a complete amended complaint within thirty days.
2. If the plaintiff does not amend or file a notice stating that she intends to stand on the complaint, the court may infer an intent to stand on the complaint and issue a final dismissal.
3. The six-factor Poulis test is inapplicable and need not be analyzed when dismissal is based on a plaintiff's intention to stand on the complaint rather than failure to comply with a court order under Federal Rule of Civil Procedure 41(b).

KEY QUOTATIONS

"The Complaint is DISMISSED WITHOUT PREJUDICE for the reasons in the Court's Memorandum."

"Gallimore may file an amended complaint within thirty (30) days of the date of this Order."

FACTUAL BACKGROUND

The available order does not recount the underlying employment facts or the alleged discriminatory conduct. It concerns the sufficiency and disposition of Gallimore's initial complaint and the procedures available to cure the pleading deficiencies.

PROCEDURAL HISTORY

Gallimore filed an employment-discrimination complaint. The court had previously stayed the case, then lifted the stay and dismissed the complaint without prejudice for the reasons stated in a memorandum. The court authorized an amended complaint within thirty days and warned that failure to respond would be treated as an intention to stand on the original complaint and would result in a final dismissal.

DISPOSITION

dismissed

CASES CITED

- Weber v. McGrogan, 939 F.3d 232, 239-41 (3d Cir. 2019)
- Borelli v. City of Reading, 532 F.2d 950, 951 n.1 (3d Cir. 1976)
- In re Westinghouse Securities Litigation, 90 F.3d 696, 703-04 (3d Cir. 1996)
- Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863 (3d Cir. 1984)

- Elansari v. Altria, 799 F. App'x 107, 108 n.1 (3d Cir. 2020) (per curiam)
- Dickens v. Danberg, 700 F. App'x 116, 118 (3d Cir. 2017) (per curiam)
- Baker v. Accounts Receivables Mgmt., Inc., 292 F.R.D. 171, 175 (D.N.J. 2013)

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