

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)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA YAZZMINE GALLIMORE,: Plaintiff,: v. CIVIL ACTION NO. 25-CV-6089 MERAKEY, et al, Defendants.: A ORDER AND NOW, this □□□ of February, 2026, upon consideration of Plaintiff Yazzmine Gallimore's Complaint (ECF No. 2), it is ORDERED that: 1.

The Court's Order staying this case (ECF No. 6) is LIFTED and the Clerk of Court is DIRECTED to remove the "STAYED" flag from the docket. 2. The Complaint is DISMISSED WITHOUT PREJUDICE for the reasons in the Court's Memorandum. 3. Gallimore may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Gallimore's claims against each defendant.

The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. When drafting her amended complaint, Gallimore should be mindful of the Court's reasons for dismissing the claims in her initial Complaint as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so ORDERED by the Court.

4, The Clerk of Court is DIRECTED to send Gallimore a blank copy of this Court's current standard form to be used by a self-represented litigant filing an employment discrimination action bearing the above-captioned civil action number. Gallimore may use this form to file her amended complaint if she chooses to do so. Gallimore is reminded that merely checking boxes on the form and attaching exhibits is insufficient to allege plausible claims and she must provide a short, plain statement in narrative form of the facts supporting her claims.

5. If Gallimore does not wish to amend her Complaint and instead intends to stand on her Complaint as originally pled, she may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, at which time the Court will issue a final order dismissing the case. Any such notice should be titled "Notice to Stand on Complaint," and shall include the civil action number for this case.

See *Weber v. McGrogan*, 939 F.3d 232, 241 (3d Cir. 2019) ("If the plaintiff does not desire to amend, he may file an appropriate notice with the district court asserting his intent to stand on the complaint, at which time an order to dismiss the action would be appropriate." (quoting *Borelli v. City of Reading*, 532 F.2d 950, 951 n.1 (3d Cir. 1976))); *Inre Westinghouse Sec. Litig.*, 90 F.3d 696, 703-04 (3d Cir.

1996) (holding “that the district court did not abuse its discretion when it dismissed with prejudice the otherwise viable claims... following plaintiffs’ decision not to replead those claims” when the district court “expressly warned plaintiffs that failure to replead the remaining claims... would result in the dismissal of those claims”). 6. If Gallimore fails to file any response to this Order, the Court will conclude that Gallimore intends to stand on her Complaint and will issue a final order dismissing this case.’ ’ The six-factor test announced in *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863 (3d Cir.

1984), is inapplicable to dismissal orders based on a plaintiffs intention to stand on her complaint. See *Weber*, 939 F.3d at 241 & n.11 (treating the “stand on the complaint” doctrine as See *Weber*, 939 F.3d at 239-40 (explaining that a plaintiff's intent to stand on his complaint may be inferred from inaction after issuance of an order directing her to take action to cure a defective complaint).

BY THE COURT: KAIN. SCOTT, J. distinct from dismissals under Federal Rule of Civil Procedure 41(b) for failure to comply with a court order, which require assessment of the *Poulis* factors); see also *Elansari v. Altria*, 799 F. App’x 107, 108 n.1 (3d Cir. 2020) (per curiam). Indeed, an analysis under *Poulis* is not required when a plaintiff willfully abandons the case or makes adjudication impossible, as would be the case when a plaintiff opts not to amend her complaint, leaving the case without an operative pleading.

See *Dickens v. Danberg*, 700 F. App’x 116, 118 (3d Cir. 2017) (per curiam) (“Where a plaintiff’s conduct clearly indicates that he willfully intends to abandon the case, or where the plaintiff’s behavior is so contumacious as to make adjudication of the case impossible, a balancing of the *Poulis* factors is not necessary.”); *Baker v. Accounts Receivables Memt., Inc.*, 292 F.R.D.

171, 175 (D.N.J. 2013) (“[T]he Court need not engage in an analysis of the six *Poulis* factors in cases where a party willfully abandons her case or otherwise makes adjudication of the matter impossible.” (citing cases)).