

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PABLO K. JOHNSON	:	
	:	
vs.	:	
	:	CIVIL ACTION
SCHOOL DISTRICT of the	:	
CITY OF PHILADELPHIA	:	NO. 98-4970

**MEMORANDUM - O R D E R**

Presently before the Court is Defendant School District of Philadelphia's unopposed Motion for Sanctions pursuant to Fed.R.Civ.P. 41(b). In support of the Motion, Defendant asserts that the Plaintiff has failed to respond to repeated attempts to obtain discovery in the above-captioned matter. Moreover, the Plaintiff has also failed to comply with the Court's Order compelling responses to Defendant's discovery requests (Dkt. Entry # 12).

Pursuant to Rule 41(b), a district court may dismiss an action when the plaintiff fails "to prosecute or to comply with the Federal Rules of Civil Procedure or any order of the court." Fed.R.Civ.P. 41(b). Since a dismissal of a case pursuant to Rule 41(b) operates as a adjudication on the merits, it should only be invoked in "flagrant bad faith" and "callous disregard" cases where there is a clear record of delay or contumacious conduct by the plaintiff." Poulis v. State Farm Fire & Cas. Co., 747 F.2d 863 (3d. Cir. 1984). In Poulis the Court identified six factors to consider in levying the sanction of dismissal:

- (1) the extent of the party's personal responsibility;
- (2) the prejudice to the adversary caused by the failure to meet scheduling orders and to respond to discovery;
- (3) a history of dilatoriness;
- (4) whether the conduct of the

party or the attorney was willful or in bad faith; (5) the effectiveness of sanctions other than dismissal, which entails an analysis of alternative sanctions; and (6) the meritoriousness of the claim or defense.

Id. at 868. It is not necessary, however, for all of the factors to be met to warrant dismissal pursuant to Fed.R.Civ.P. 41(b). Hicks v. Feeney, 850 F.2d 152, 156 (3d. Cir. 1988), cert. denied, 488 U.S. 1005, 109 S.Ct. 786 (1989).

Applying the Poulis factors to the instant matter, this Court finds that the action should be dismissed. Since Mr. Johnson is a pro se plaintiff, he is directly responsible for complying with the legal rules and orders attendant to this action. Even if Mr. Johnson was not initially aware of his duties with regard to his pro se status, this Court has previously explained the need for him to proceed with this case while he either represented himself pro se or independently obtained counsel. (Order Discontinuing Efforts to Obtain Appointment of Counsel, Dec. 18, 1998)(Dkt. entry 7). Despite the Court's clear directive to continue with the case, Mr. Johnson has repeatedly disregarded Defendant's independent efforts to obtain responses to its discovery requests. Moreover, Mr. Johnson has blatantly disregarded this Court's order compelling his response to Defendant's discovery requests and has not attempted to correspond with the Court or Defendant to request additional time to comply. Finally, because Mr. Johnson is proceeding with this case under this Court's grant of his motion to proceed in forma pauperis, it is unlikely that monetary sanctions would be effective.

Proceeding pro se does not entitle a plaintiff to ignore or otherwise escape his obligations to adhere to the rules applicable to his cause of action. Since Mr. Johnson has failed to adequately meet his obligation to adhere to the Federal Rules of Civil

Procedure and orders of this Court, the above-captioned matter will be dismissed pursuant to Fed.R.Civ.P. 41(b). An appropriate order follows.

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**ORDER**

AND NOW this 14th day of May 1999, upon consideration of Defendant's unopposed Motion for Sanctions pursuant to Fed.R.Civ.P. 41(b), it is HEREBY ORDERED that Defendant's motion is GRANTED. The above-captioned action is DISMISSED WITH PREJUDICE pursuant to Fed.R.Civ.P. 41(b).

BY THE COURT:

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CLIFFORD SCOTT GREEN, S.J.