

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-2333

RONALD STOCKTON,
Appellant

v.

JOHN E. WETZEL, Secretary of Corrections; THOMAS S. MCGINLEY,
Superintendent; WILLIAM NICKLOW, Deputy; YODER; KEPP; PATROW; STAMN;
JORDAN; KEMMEL; ANTHONY; SPOHR; LOGAN; SMITH; DRUCTS; CHISMAR;
LT. NEITZ; P. KELLEY; R. KELLEY

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil No. 1:21-cv-00029)
District Judge: Honorable Jennifer P. Wilson

Submitted for Possible Dismissal Due to a Jurisdictional Defect,
Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B), or
Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6

July 16, 2026

Before: KRAUSE, MATEY, and BOVE, *Circuit Judges*

(Opinion filed: August 24, 2026)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

PER CURIAM

Ronald Stockton appeals the District Court's order dismissing his complaint. For the reasons that follow, we will summarily affirm the District Court's order.

The relevant procedural history of this matter is well-known to the parties, set forth in the District Court's memorandum, and need not be discussed at length. In 2021, Stockton filed a complaint against several prison officials. After four years of litigation, the defendants filed a motion to dismiss the complaint as a sanction, arguing that Stockton's litigation tactics were abusive. The District Court granted the motion and dismissed the complaint with prejudice pursuant to Fed. R. Civ. P. 41(b). Stockton filed a notice of appeal,¹ and we have jurisdiction under 28 U.S.C. § 1291.

We review the District Court's order dismissing the action as a sanction for an abuse of discretion. *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863, 868 (3d Cir. 1984). "Dismissals with prejudice or defaults are drastic sanctions, termed 'extreme' by the Supreme Court, . . . and are to be reserved for comparable cases." *Id.* at 867-68 (citation omitted). In *Poulis*, the Court set forth six factors to be balanced in deciding whether to dismiss a case as a sanction:

(1) the extent of the party's personal responsibility; (2) the prejudice to the adversary caused by the failure to meet scheduling orders and 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

¹ Stockton's notice of appeal was dated July 7, 2025, and postmarked July 10, 2025. He later submitted postage slips showing that he had given the documents to the prison mail room for mailing to the District Court on July 8, 2025. Because his notice of appeal was given to prison officials for mailing within the thirty days to file a notice of appeal, we will not dismiss the appeal as untimely. *See Houston v. Lack*, 487 U.S. 266 (1988).

other than dismissal, which entails an analysis of alternative sanctions; and (6) the meritoriousness of the claim or defense.

Id. at 868 (emphases omitted). In determining whether the District Court has abused its discretion, we examine its balancing of these factors and whether its findings are supported by the record. *Id.*

With respect to the first factor, the District Court correctly noted that, as a pro se litigant, Stockton bears full responsibility for his litigation actions. *See Emerson v. Thiel Coll.*, 296 F.3d 184, 190 (3d Cir. 2002) (observing that “because [plaintiff] is proceeding pro se, his failure to comply with its orders could not be blamed on counsel”).² As for the factor concerning prejudice to the Appellees, Stockton has not shown that the District Court’s determination that Appellees were prejudiced was not supported by the record. As noted by Appellees in their motion to dismiss, their counsel had to spend time and resources reviewing and responding to Stockton’s motions. Likewise, the District Court docket supports the District Court’s determination on the third factor that Stockton had a history of delaying the litigation with requests for extensions of time to file responses to motions but then using that time to file motions for sanctions instead. The record also

² Stockton argues on appeal that the District Court misrepresented the facts surrounding whether he was alerted to his deposition and refused to attend. While that incident was one reason for a prior dismissal for failure to prosecute, the District Court granted reconsideration and vacated that order. In its final order dismissing the matter, the District Court mentioned the deposition incident in the factual background and procedural history of its memorandum but did not rely on the incident as a basis for its dismissal of the complaint.

supports the District Court's determination that Stockton's repetitive litigation of decided issues constituted willful conduct done in bad faith.

As Stockton was not deterred by previous sanctions, the District Court's determination that other sanctions would not be effective is supported by the record. Even after being enjoined from filing IFP in two District Courts, Stockton did not change his litigation approach. *See also Emerson*, 296 F.3d at 191 (concluding that monetary sanctions would not be an effective alternative sanction for a pro se litigant proceeding IFP).

As for the merits of his remaining claims, the District Court noted that these claims had sufficient merit to proceed to discovery. Thus, it determined that this factor weighed against dismissal.

The District Court's determinations on the *Poullis* factors were supported by the record. We find no abuse of discretion in the District Court's evaluating and weighing the *Poullis* factors or in its decision to dismiss the complaint.

Stockton also argues that the District Judge should have recused herself when she was informed that she was a defendant in one of his cases. The District Judge did not abuse her discretion by failing to recuse. *See Azubuko v. Royal*, 443 F.3d 302, 304 (3d Cir. 2006) (per curiam) (holding that the District Judge's being named in a lawsuit was not sufficient to establish that recusal was required); *In re Taylor*, 417 F.3d 649, 652 (7th Cir. 2005) (explaining that automatic disqualification would allow litigants to judge shop).

Summary action is appropriate if there is no substantial question presented in the appeal. *See* 3d Cir. LAR 27.4. For the above reasons as well as those set forth by the District Court, we will summarily affirm the District Court's June 9, 2025 order. *See* 3d Cir. I.O.P. 10.6.