

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Alicia D. Washington v. Equifax

No. CV-25-03314-PHX-DJH (D. Ariz. Dec. 1, 2025) · No. CV-25-03314-PHX-DJH; 2:25-cv-03314 · Decided December 1, 2025

SUMMARY

The court dismissed Plaintiff Alicia D. Washington’s action against Equifax Information Services, LLC for failure to prosecute. The dismissal was entered without prejudice under Federal Rule of Civil Procedure 41(b) after Plaintiff failed to attend a scheduling conference and failed to respond to an order to show cause.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Diane J. Humetewa
JURISDICTION	U.S. District Court for the District of Arizona
DECIDED	December 1, 2025
DOCKET	CV-25-03314-PHX-DJH; 2:25-cv-03314
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff failed to appear at a Rule 16 scheduling conference and failed to respond to an order to show cause. The federal district court dismissed the action sua sponte without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	The court weighed the five-factor Ninth Circuit test governing dismissal for failure to prosecute: the public interest in expeditious resolution, the court's need to manage its docket, prejudice to the defendant, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Alicia D. Washington v. Equifax Information Services, LLC

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

civil procedure

failure to prosecute

QUESTIONS PRESENTED

1. Whether the Court should dismiss the action sua sponte for Plaintiff's failure to prosecute after she failed to appear at a scheduling conference and failed to respond to an order to show cause.
2. Whether dismissal without prejudice was an appropriate less drastic sanction under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. A federal district court has inherent authority to dismiss an action sua sponte for failure to prosecute, including in appropriate circumstances without notice or a hearing.
2. Dismissal without prejudice was warranted because Plaintiff's failures delayed the litigation and hindered docket management, the relevant factors favored dismissal, and dismissal without prejudice provided a less drastic alternative to an adjudication-on-the-merits dismissal.

KEY QUOTATIONS

“A federal district court has the inherent power to dismiss a case sua sponte for failure to prosecute.” (at 1)

“Therefore, the Court will dismiss this case for failure to prosecute without prejudice.” (at 2)

FACTUAL BACKGROUND

Defendant removed the action to federal court. Plaintiff failed to appear at a Rule 16 scheduling conference and then failed to respond to the Court's order requiring her to show cause for that nonappearance. The Court concluded that Plaintiff's inaction delayed resolution, hindered docket management, and warranted dismissal without prejudice.

PROCEDURAL HISTORY

Defendant removed the case from the San Marcos Justice Court of Maricopa County on September 10, 2025. After Plaintiff failed to appear at the scheduled Rule 16 conference, the Court ordered her to show cause why the case should not be dismissed for failure to prosecute. Plaintiff did not respond, and the Court dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Fidelity Philadelphia Trust Co. v. Pioche Mines Consolidated, Inc., 587 F.2d 27, 29 (9th Cir. 1978)
- Link v. Wabash Railroad Co., 370 U.S. 626, 629-31, 633 (1962)

- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Wanderer v. Johnston, 910 F.2d 652, 656 (9th Cir. 1990)

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