

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PRECEDENTIAL VALUE	unpublished district court order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)

OPINION

Equifax

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Alicia D Washington, No. CV-25-03314-PHX-DJH 10 Plaintiff, ORDER 11 v. 12 Equifax, 13
 Defendant. 14 15 Defendant Equifax Information Services, LLC (“Defendant”) removed this case
 16 from the San Marcos Justice Court of Maricopa County to this Court on September 10, 17
 2025. (Doc. 1). A week later the Court set a Rule 16 Scheduling Conference for
 18 November 17, 2025. (Doc. 8). The parties submitted a Joint Rule 26(f) Report in advance
 19 of the Conference (Doc. 10), but Plaintiff did not appear. The Court issued an Order 20
 requiring Plaintiff to show cause by November 24, 2025, why she did not appear, noting 21 that
 “Failure to timely show cause may result in the dismissal of this matter for failure 22 to
 prosecute.” (Doc. 12 at 2). Plaintiff has not responded to the Court’s Order. 23 Plaintiff has the
 general duty to prosecute this case. Fidelity Philadelphia Trust Co. 24 v. Pioche Mines
 Consolidated, Inc., 587 F.2d 27, 29 (9th Cir. 1978). A federal district 25 court has the inherent
 power to dismiss a case sua sponte for failure to prosecute. Link v. 26 Wabash Railroad Co., 370
 U.S. 626, 629–31 (1962). In appropriate circumstances, the 27 Court may dismiss a complaint for
 failure to prosecute even without notice or hearing. Id. 28 at 633. In determining whether
 Plaintiff’s failure to prosecute warrants dismissal of the || case, the Court must weigh the following
 five factors: “(1) the public’s interest in 2|| expeditious resolution of litigation; (2) the court’s need
 to manage its docket; (3) the risk || of prejudice to the defendants; (4) the public policy favoring
 disposition of cases on their merits; and (5) the availability of less drastic sanctions.” Carey v.
 King, 856 F.2d 1439, 5|| 1440 (9th Cir. 1988) (quoting Henderson v. Duncan, 779 F.2d 1421, 1423
 (9th Cir. 1986)). 6|| “The first two of these factors favor the imposition of sanctions in most cases,
 while the fourth factor cuts against a default or dismissal sanction. Thus, the key factors are
 prejudice 8 || and availability of lesser sanctions.” Wanderer v. Johnston, 910 F.2d 652, 656 (9th
 Cir. 1990). 10 The first two factors almost always favor dismissal in most cases, and they most 11
 || certainly do here. Plaintiff’s failure to show up to a Court appearance and failure to respond |} to
 the Court’s show cause Order both delays the resolution of litigation and hinders the 13} Court in
 managing its docket. The third factor also weighs in favor of dismissal because there is no
 prejudice to the Defendant if Plaintiff does not prosecute her case. The fourth 15 || will always
 weigh against dismissal and it does so here as well. If the case is dismissed, it will not be tried on

its merits. The fifth factor requires the Court to consider whether a less drastic alternative is available. The less drastic alternative readily available to the Court is 18 || to allow for the case to be dismissed without prejudice. Otherwise, a dismissal for failure || to prosecute is normally an adjudication on the merits. See Fed. R. Civ Proc. 41(b). || Therefore, the Court will dismiss this case for failure to prosecute without prejudice. 21 Accordingly, 22 IT IS ORDERED that this action is dismissed without prejudice under Federal 23 || Rule of Civil Procedure 41(b) for failure to prosecute. The Clerk of Court is directed to 24 || terminate this matter. 25 Dated this 1st day of December, 2025. / ' God _ □□□ □ 26 norable'Diang4. Huretewa United States District Judge 28 _2-