

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

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
14 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-