

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Christian Daniel Rilloraza v. 7-Eleven, Inc. and 7-Eleven Store No.
29694

Rilloraza · No. EDCV 25-01362-KK-SPx · Decided November 4, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Christian Daniel Rilloraza’s Americans with Disabilities Act action against 7-Eleven, Inc. and 7-Eleven Store No. 29694 without prejudice. The court dismissed the action under Federal Rule of Civil Procedure 41(b) because the plaintiff failed to submit required USM-285 forms and file a notice of submission after being warned that noncompliance could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Kenly Kiya Kato
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 4, 2025
DOCKET	EDCV 25-01362-KK-SPx
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court sua sponte dismissed Plaintiff's Americans with Disabilities Act action without prejudice for failure to prosecute and failure to comply with a court order requiring Plaintiff to complete and submit service documents.
STANDARD OF REVIEW	A district court may sua sponte dismiss an action under Federal Rule of Civil Procedure 41(b) for failure to prosecute or comply with court orders, applying the five-factor test concerning expeditious resolution, docket management, prejudice, the policy favoring decisions on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Christian Daniel Rilloraza v. 7-Eleven, Inc., 7-Eleven Store No. 29694

TOPICS

service of process

civil procedure

ada / disability

PRACTICE AREAS

civil procedure

Americans with Disabilities Act

QUESTIONS PRESENTED

1. Whether the district court could sua sponte dismiss the action under Federal Rule of Civil Procedure 41(b) for Plaintiff's failure to prosecute and comply with the Court's service-related order.
2. Whether the five dismissal factors favored dismissal without prejudice under the circumstances.

HOLDINGS

1. A district court may sua sponte dismiss an action under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute the action or comply with a court order.
2. Dismissal without prejudice was warranted because the public interest in expeditious resolution, the Court's need to manage its docket, the presumption of prejudice to Defendants, and the availability of less drastic sanctions favored dismissal, and those considerations outweighed the policy favoring disposition on the merits.

KEY QUOTATIONS

"It is well established that district courts have sua sponte authority to dismiss actions for failure to prosecute or comply with court orders."

"Accordingly, the Court DISMISSES this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with Court orders."

FACTUAL BACKGROUND

Plaintiff filed an ADA complaint against 7-Eleven, Inc. and 7-Eleven Store No. 29694 but did not serve Defendants by the August 27, 2025 deadline. After the Court authorized service by the United States Marshals Service, Plaintiff was ordered to submit USM-285 forms and file a notice of submission within twenty-one days, with an express warning that noncompliance could result in dismissal without prejudice. Plaintiff never filed the notice of submission, requested an extension, or otherwise advanced service of process.

PROCEDURAL HISTORY

Plaintiff filed the complaint on May 29, 2025, but did not serve Defendants by the Rule 4(m) deadline. After issuing an order to show cause, the Court granted Plaintiff's request for service by the United States Marshals Service and directed Plaintiff to submit a separate USM-285 form for each defendant and file a notice of submission within twenty-one days. Plaintiff did not file the required notice or request additional time, so the Court dismissed the action without prejudice under Rule 41(b) and ordered the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992)
- Omstead v. Dell, Inc., 594 F.3d 1081, 1084 (9th Cir. 2010)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Langere v. Verizon Wireless Servs., LLC, 983 F.3d 1115, 1117 (9th Cir. 2020)
- In re Eisen, 31 F.3d 1447, 1452-53 (9th Cir. 1994)
- Morris v. Morgan Stanley & Co., 942 F.2d 648, 652 (9th Cir. 1991)
- W. Coast Theater Corp. v. City of Portland, 897 F.2d 1519, 1523 (9th Cir. 1990)

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