

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Karla Jenett Moore v. Jefferson Hunt Elementary School City of San
Bernardino

No. EDCV 25-2399 JGB (DTBx), United States District Court for the Central District of California (December 18, 2025)

SUMMARY

The United States District Court for the Central District of California dismissed Karla Jenett Moore’s action without prejudice after she failed to file an amended complaint by the court-ordered deadline. The court found failure to comply with its order and failure to prosecute under Federal Rule of Civil Procedure 41(b), and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Jesus G. Bernal
JURISDICTION	United States District Court for the Central District of California
DECIDED	December 18, 2025
DOCKET	EDCV 25-2399 JGB (DTBx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court had previously dismissed Plaintiff's complaint for failure to state a claim, granted leave to amend by a specified deadline, and warned that failure to amend would result in dismissal without prejudice. After Plaintiff failed to file an amended complaint, the court sua sponte dismissed the action under Federal Rule of Civil Procedure 41(b) and directed the Clerk to close the case.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 41(b), a court may sua sponte dismiss an action for failure to prosecute or failure to comply with a court order. In deciding whether dismissal is appropriate, the court considers the five factors identified in Ghazali and Pagtalunan, although it need not explicitly weigh each factor.
PRECEDENTIAL VALUE	unknown

TOPICS

civil procedure

pleadings

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether the court should sua sponte dismiss the action under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to comply with the deadline for filing an amended complaint and failed to prosecute the case with reasonable diligence.

HOLDINGS

1. Dismissal without prejudice was appropriate because Plaintiff failed to comply with the court's order requiring an amended complaint by a specified deadline and failed to prosecute the action with reasonable diligence.

KEY QUOTATIONS

“A plaintiff must prosecute his case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b).”

“Unreasonable delay is the foundation upon which a court may presume prejudice.”

FACTUAL BACKGROUND

Plaintiff filed a complaint against Jefferson Hunt Elementary School City of San Bernardino. After the court dismissed the complaint for failure to state a claim, it permitted Plaintiff to file an amended complaint by November 17, 2025, and warned that failure to do so would result in dismissal without prejudice. Plaintiff did not file an amended complaint or otherwise explain the delay.

PROCEDURAL HISTORY

Plaintiff filed a complaint and a request to proceed in forma pauperis on September 7, 2025. The court denied the in forma pauperis request and dismissed the complaint on October 15, 2025, while allowing Plaintiff until November 17, 2025, to amend. Plaintiff did not file an amended complaint, so the court dismissed the action without prejudice for failure to comply with the court's order and failure to prosecute.

DISPOSITION

dismissed

CASES CITED

- Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016)
- Pagtalunan v. Galaza, 291 F.3d 639, 640–43 (9th Cir. 2002)
- Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976)

- Ghazali v. Moran, 46 F.3d 52, 53–54 (9th Cir. 1995)
- Sw. Marine Inc. v. Danzig, 217 F.3d 1128, 1138 (9th Cir. 2000)

OPINION

Karla Jenett Moore v. Jefferson Hunt Elementary School City of San Bernardino

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. EDCV 25-2399 JGB (DTBx) Date December 18, 2025 Title Karla Jenett Moore v. Jefferson Hunt Elementary School City of San Bernardino Present: The Honorable JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE MAYNOR GALVEZ Not Reported Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Present None Present Proceedings: Order (1) DISMISSING Action and (2) DIRECTING the Clerk to Close the Case (IN CHAMBERS) On September 7, 2025, Plaintiff Karla Jenett Moore filed a complaint against Defendant Jefferson Hunt Elementary School City of San Bernardino (“Defendant”). (“Complaint,” Dkt. No. 1.) The same day, Plaintiff filed a request to proceed in forma pauperis. (Dkt. No. 3.) On October 15, 2025, the Court denied Plaintiff’s request and dismissed Plaintiff’s Complaint for failure to state a claim upon which relief may be granted. (Dkt. No. 10.) The Court allowed Plaintiff to file an amended complaint, if any, by November 17, 2025, and it warned Plaintiff that failure to timely file an amended complaint would result in dismissal of the case without prejudice. (Id.) To date, Plaintiff has not filed an amended complaint. Rule 41(b) of the Federal Rules of Civil Procedure grants the Court authority to sua sponte dismiss actions for failure to prosecute or failure to comply with court orders. See Fed. R. Civ. P. 41(b); Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016); Pagtalunan v. Galaza, 291 F.3d 639, 640–43 (9th Cir. 2002). A plaintiff must prosecute his case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976). The Court finds that Plaintiff has failed to comply with the Court’s order and failed to prosecute this case with reasonable diligence, warranting dismissal. Before dismissing an action for either failure to prosecute, failure to obey a court order, or failure to follow the local rules, a court must weigh several factors: (1) the public’s interest in 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 of their merits; and (5) the availability of less drastic sanctions. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (failure to follow local rules); Pagtalunan, 291 F.3d at 642 (failure to prosecute or to comply with a court order). The Court need not explicitly weigh these factors. See Ghazali, 46 F.3d at 53–54. The Court finds that dismissal is appropriate. Plaintiff failed to file an amended complaint by the Court-imposed deadline, and her Complaint failed to state a claim. (See Dkt. No. 10.) Both the

Court and the public benefit from the expeditious resolution of this action because further delay will impede judicial efficiency. See *Pagtalunan*, 291 F.3d at 642 (“fail[ing] to pursue the case for almost four months” favors dismissal). Additional delay will also prejudice Defendant, forcing it to expend unnecessary resources on contesting this matter; in fact, Plaintiff has already delayed this action without explanation by failing to amend her Complaint. See *Sw. Marine Inc. v. Danzig*, 217 F.3d 1128, 1138 (9th Cir. 2000) (“Unreasonable delay is the foundation upon which a court may presume prejudice.”). Accordingly, the Court **DISMISSES** Plaintiff’s action **WITHOUT PREJUDICE** and **DIRECTS** the Clerk to close the case. (JS-6) IT IS SO ORDERED.