

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Stacey Lee et al. v. M. Power Auto Group

No. 5:25-cv-02565-SSS-MARx, United States District Court for the Central District of California (November 19, 2025)

SUMMARY

The court dismissed the action without prejudice after the plaintiffs failed to comply with an order requiring them to submit completed in forma pauperis requests or pay the filing fee and to file an amended complaint addressing equitable tolling. Applying the factors governing dismissal under Federal Rule of Civil Procedure 41(b), the court concluded that four of the five factors favored dismissal.

OPINION

CIVIL MINUTES – GENERAL Case No. 5:25-cv-02565-SSS-MARx Date: November 19, 2025
Title Stacey Lee, et al. v. M. Power Auto Group Present: The Honorable: SUNSHINE S. SYKES,
UNITED STATES DISTRICT JUDGE Irene Vazquez Not Reported Deputy Clerk Court Reporter
/ Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendant: None Present None
Present Proceedings (In Chambers): Order Dismissing Action Without Prejudice On September
29, 2025, Plaintiffs filed a Complaint and a Request to Proceed In Forma Pauperis (“IFP request”).

[Dkts. 1-2]. Plaintiffs alleged violations of the Truth in Lending Act. [Dkt. 1]. On October 15,
2025, the Court postponed a ruling on the IFP request and ordered Plaintiffs to provide more
information within 30 days. [Dkt. 7].

The Court ordered Plaintiffs to file completed IFP requests or, in the alternative, pay the filing fee.
Id. The Court also ordered Plaintiffs to file an Amended Complaint to explain what basis they had
for equitable tolling of the statute of limitations. Id. The court warned Plaintiffs that the failure to
comply with the order within 30 days would lead to the dismissal of this action without prejudice.

Id. As of this date, more than 30 days later, Plaintiffs have not filed IFP Requests, paid the filing
fee, or filed an Amended Complaint. A district court has the inherent power under Federal Rule of
Civil Procedure 41(b) to dismiss an action for failure to comply with the court’s order. *Agnew v.*
Moody, 330 F.2d 868, 871 (9th Cir. 1964) (citing *Link v. Wabash R. Co.*, 370 U.S. 626, 631
(1962)). “[I]n order for a court to dismiss a case as a sanction, the district court must consider five
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 on their merits; and (5) the availability of less drastic alternatives.’” *Yourish v. California Amplifier*, 191 F.3d 983, 986 (9th Cir.

1999) (quoting *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998)). CIVIL MINUTES – GENERAL Case No. 5:25-cv-02565-SSS-MARx Date: November 19, 2025 Title Stacey Lee, et al. v. M. Power Auto Group Here, the first, second, third, and fifth factors weigh in favor of dismissal. See *Yourish*, 191 F.3d at 990 (“[T]he public’s interest in expeditious resolution of litigation always favors dismissal.”); *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir.

2002) (“The trial judge is in the best position to determine whether the delay in a particular case interferes with docket management and the public interest. Arguably, [the] petition has consumed some of the court’s time that could have been devoted to other cases on the docket.”); *In re Eisen*, 31 F.3d 1447, 1452-53 (9th Cir. 1994) (recognizing that the law presumes injury to the defendants from unreasonable delay); *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1229 (9th Cir.

2006) (“Warning that failure to obey a court order will result in dismissal can itself meet the ‘consideration of alternatives’ requirement.”). Although the fourth factor, the public policy favoring disposition of the case on the merits, weighs against dismissal, “this factor lends little support to a party whose responsibility it is to move a case toward disposition on the merits but whose conduct impedes progress in that direction.” *Products Liability Litigation*, 460 F.3d at 1228.

In sum, four of the five factors weigh in favor of dismissal. Accordingly, this action is dismissed without prejudice. IT IS SO ORDERED.