UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

John-Thomas Doljanin v. Reuben Ellis, et al.

Doljanin v. Ellis · No. 24-CV-1689 JLS (SBC) · Decided October 28, 2025

SUMMARY

The United States District Court for the Southern District of California granted four unopposed motions to dismiss under Civil Local Rule 7.1(f)(3)(c). Applying the factors from Ghazali v. Moran, the Court found that Plaintiff's failure to oppose the motions supported dismissal. The Consolidated Complaint was dismissed without prejudice, with fourteen days allowed for filing an amended complaint, failing which the action would be dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 28, 2025
DOCKET	24-CV-1689 JLS (SBC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss Plaintiff's consolidated complaint. Plaintiff did not oppose the motions or respond to requests for dismissal based on his non-opposition. The district court granted the unopposed motions under Civil Local Rule 7.1(f)(3)(c), dismissed the complaint without prejudice, and permitted Plaintiff to file an amended complaint within fourteen days.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor test for dismissal based on failure to comply with court rules or failure to prosecute: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	John-Thomas Doljanin v. Reuben Ellis, Susan Bonanno, Beth Hart, Geoff Poole, Borrego Water District, Terry Considine, Shannon Smith, Rodney Bruce, Harry Turner, Rams Hill Golf Club, improperly sued as

Rams Hill Country Club, T2 Palms, LLC, T2 Holding, LLC dba T2 B Holding, LLC, improperly sued as T2 Holdings, County of San Diego

TOPICS

motions to dismiss | civil procedure | default

PRACTICE AREAS

civil procedure | federal civil litigation

QUESTIONS PRESENTED

1. Whether the district court could grant defendants' motions to dismiss under Civil Local Rule 7.1(f)(3)(c) when Plaintiff failed to oppose the motions.
2. Whether the Ghazali factors supported dismissal based on Plaintiff's failure to respond.

HOLDINGS

1. Under Civil Local Rule 7.1(f)(3)(c), a party's failure to file a required opposition may constitute consent to the granting of the motion or other requested relief, and the district court may grant an unopposed motion to dismiss when the applicable dismissal factors support that result.
2. The five Ghazali factors weighed sufficiently in favor of dismissal because Plaintiff failed to oppose the motions, impeded docket management, created a risk of prejudice to defendants, and made consideration of less drastic alternatives unnecessary.

KEY QUOTATIONS

> *"If an opposing party fails to file [an opposition] in the manner required by Civil Local Rule 7.1.e.2, that failure may constitute a consent to the granting of a motion or other request for ruling by the court."* (at 1)

> *"(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 sanctions."* (at 1-2)

> *"The Court DISMISSES WITHOUT PREJUDICE Plaintiffs Consolidated Complaint (ECF No. 40). Plaintiff MAY FILE an amended complaint within fourteen (14) days of the date on which this Order is electronically docketed. Failure to do so will result in a dismissal of the matter with prejudice."* (at 3)

FACTUAL BACKGROUND

Plaintiff filed a consolidated complaint against multiple defendants. After receiving notice of defendants' motions to dismiss, Plaintiff did not file a timely opposition and provided no explanation for his failure to do so. Plaintiff also did not respond to defendants' requests for dismissal based on his non-opposition.

PROCEDURAL HISTORY

Plaintiff filed a consolidated complaint on September 11, 2025. Defendants filed motions to dismiss on September 25, 2025. The court vacated the noticed hearing, and Plaintiff failed to file an opposition by the October 23, 2025 deadline. The court granted the motions and dismissed the complaint without prejudice, subject to dismissal with prejudice if Plaintiff failed to amend within fourteen days.

DISPOSITION

dismissed

CASES CITED

- Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)
- Hernandez v. City of El Monte, 138 F.3d 393, 401 (9th Cir. 1998)
- Malone v. U.S.P.S., 833 F.2d 128, 131 (9th Cir. 1987)
- Enders v. Countrywide Home Loans, Inc., No. C 09-3213SBA, 2009 WL 4018512, at *2 (N.D. Cal. Nov. 16, 2009)
- Rodriguez v. Nationstar Mortg. LLC, No. 2:16-CV-5962-ODW(SK), 2016 WL 4581402, at *1 (C.D. Cal. Sept. 1, 2016)

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