

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

MohamedSaleem Mubarak Ali and Parveen Banu Mohammed Babu
v. San Francisco Asylum Office and United States Citizenship and
Immigration Service

(PS) Ali v. San Francisco Asylum Office · No. No. 2:24-cv-0654 DJC AC PS · Decided June 2, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed the action without prejudice for failure to prosecute and failure to comply with a court order requiring service. The court relied on Federal Rule of Civil Procedure 41(b), Local Rule 110, and the factors identified in *Ferdik v. Bonzelet*, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 2, 2025
DOCKET	No. 2:24-cv-0654 DJC AC PS
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed magistrate judge findings and recommendations recommending dismissal for failure to prosecute and failure to effectuate service. After giving plaintiffs an additional 21 days to comply with a prior order, the court dismissed the action without prejudice when plaintiffs failed to comply.
STANDARD OF REVIEW	The court considered whether dismissal was appropriate under the factors identified in <i>Ferdik v. Bonzelet</i> for failure to prosecute and failure to comply with a court order.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	MohamedSaleem Mubarak Ali, Parveen Banu Mohammed Babu v. San Francisco Asylum Office, United States Citizenship and Immigration Service

TOPICS

service of process

civil procedure

immigration

PRACTICE AREAS

Civil procedure

Immigration

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to prosecute and failure to comply with a court order when plaintiffs failed to effectuate service after receiving an additional 21 days to comply.

HOLDINGS

1. Dismissal without prejudice was appropriate because plaintiffs failed to comply with the court's order and failed to effectuate service after being given additional time to do so.

KEY QUOTATIONS

“This action is dismissed, without prejudice, for lack of prosecution and for failure to comply with the court's order.” (1)

FACTUAL BACKGROUND

Plaintiffs had not effectuated service of process. After plaintiffs asserted that they had not received a prior order with sufficient time to comply, the court gave them an additional 21 days to comply with that order. Plaintiffs failed to comply by the extended deadline and still had not effectuated service.

PROCEDURAL HISTORY

The matter was referred to a United States Magistrate Judge under Local Rule 302(c)(21). On March 31, 2025, the magistrate judge recommended dismissal because plaintiffs had not effectuated service. After plaintiffs objected that they had not timely received an earlier order, the district court granted an additional 21 days to comply and warned that noncompliance would result in dismissal without further findings and recommendations. Plaintiffs did not comply or effectuate service, so the district court dismissed the action without prejudice and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61

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