

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

**Clare Jacobs v. Sony Pictures Entertainment, Inc., et al.**

Jacobs v. Sony Pictures Entertainment · No. 2:25-cv-03461-FMO (MAR) · Decided June 9, 2025

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OPINION

Clare Jacobs v. Sony Picture Entertainment Inc.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 11 CLARE JACOBS, Case No. 2:25-cv-03461-FMO (MAR) 12 Plaintiff, ORDER  
DISMISSING ACTION

WITH PREJUDICE FOR FAILURE

13

TO COMPLY WITH A COURT

v.

ORDER

14

SONY PICTURES

15 ENTERTAINMENT, INC., et al., 16 Defendant. 17 18 On April 18, 2025, Plaintiff filed a  
Complaint and a Request to Proceed In 19 Forma Pauperis (“IFP request”). (ECF Nos. 1, 3.) In the  
Complaint, Plaintiff 20 alleged several forms of employment discrimination. (ECF No. 1.) 21 On  
May 1, 2025, the Court postponed a ruling on Plaintiff’s IFP request for 22 30 days. (ECF No. 8.)  
Plaintiff was ordered to file an Amended Complaint curing 23 the pleading deficiencies of her  
original Complaint, which was too conclusory to 24 state a claim on which relief may be granted.  
(Id.) The Order warned Plaintiff that 25 her failure to comply within thirty days would result in  
dismissal of the action. 26 (Id.) 27 As of this date, more than thirty days later, Plaintiff has not  
filed an 28 Amended Complaint or otherwise communicated with the Court. 1 This is Plaintiff’s  
second attempt to bring an action for employment 2 discrimination based on the same allegations.  
In the earlier action, in Case No. 3 2:24-cv-10724-FMO-MAR, Plaintiff also failed to comply with  
the Court’s order 4 to file an Amended Complaint, resulting in the dismissal of the action without  
5 prejudice on January 28, 2025.

6 DISCUSSION

7 A. Legal Standard. 8 A district court has the inherent power under Federal Rule of Civil  
Procedure 9 41(b) to dismiss an action for failure to prosecute or to comply with the court’s 10

order. *Link v. Wabash R. Co.*, 370 U.S. 626, 631 (1962). Specifically, the failure of 11 a plaintiff to comply with a district court's order to file an amended complaint is 12 properly met with the sanction of dismissal under Rule 41(b). Applied 13 *Underwriters, Inc., v. Lichtenegger*, 913 F.3d 884, 891 (9th Cir. 2019) (collecting 14 cases). "Under Ninth Circuit precedent, when a plaintiff fails to amend [her] 15 complaint after the district judge dismisses the complaint with leave to amend, the 16 dismissal is typically considered a dismissal for failing to comply with a court order 17 rather than for failing to prosecute the claim." *Yourish v. California Amplifier*, 191 F.3d 983, 986 (9th Cir. 1999). 19 "[I]n order for a court to dismiss a case as a sanction, the district court must 20 consider five factors: '(1) the public's interest in expeditious resolution of litigation; 21 (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; 22 (4) the public policy favoring disposition of cases on their merits; and (5) the 23 availability of less drastic alternatives.'" *Yourish*, 191 F.3d at 986 (quoting 24 *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998)). A district 25 court's sanction of dismissal generally will be affirmed where at least four factors 26 support dismissal or where at least three factors strongly support it. *Hernandez*, 138 F.3d at 399. As stated below, four of the five factors support dismissal. 28 \ 1 B. Analysis. 2 1. The Public's Interest in Expeditious Resolution. 3 The first factor supports dismissal. "[T]he public's interest in expeditious 4 resolution of litigation always favors dismissal." *Yourish*, 191 F.3d at 990. 5 2. The Court's Need to Manage Its Docket 6 The second factor also supports dismissal. Plaintiff's failure to respond to 7 the Court's Order interferes with the Court's ability to manage its docket. See 8 *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002) ("The trial judge is in the 9 best position to determine whether the delay in a particular case interferes with 10 docket management and the public interest. Arguably, Pagtalunan's petition has 11 consumed some of the court's time that could have been devoted to other cases on 12 the docket.") (internal citation omitted); see also *Irvin v. Madrid*, 749 F. App'x 13 546, 547 (9th Cir. 2019) ("The second factor also favors dismissal because the 14 district court is in the best position to determine whether a particular set of 15 circumstances interferes with docket management."). 16 3. The Risk of Prejudice to Defendants. 17 The third factor also supports dismissal. The risk of prejudice is "related to the 18 plaintiff's reason for defaulting in failing to timely amend." *Yourish*, 191 F.3d at 19 991. The record suggests no apparent reason for Plaintiff's failure to comply with or 20 respond to the Court's Order. This indicates sufficient prejudice to Defendant. See 21 *In re Eisen*, 31 F.3d 1447, 1452-53 (9th Cir. 1994) (recognizing that the law 22 presumes injury to the defendants from unreasonable delay). 23 4. The Public Policy Favoring Disposition of the Merits. 24 The fourth factor weighs against dismissal. "We have often said that the 25 public policy favoring disposition of cases on their merits strongly counsels against 26 dismissal." *In re Phenylpropanolamine (PPA) Products Liability Litigation*, 460 F.3d 1217, 1228 (9th Cir. 2006) (citing *Hernandez*, 138 F.3d at 399). On the other 28 hand, "this factor lends little support to a party whose responsibility it is to move a 1 case toward disposition on the merits but whose conduct impedes progress in that 2 direction." *Products*

Liability Litigation, 460 F.3d at 1228 (citations and quotation 3 marks omitted). Thus, this factor alone does not preclude dismissal. 4 5. The Availability of Less Drastic Alternatives. 5 The fifth factor supports dismissal. “Here the fact that the [Court] allowed 6 [Plaintiff] an additional thirty days to amend [her] complaint . . . constituted an 7 attempt at a less drastic sanction than outright dismissal.” *Ferdik v. Bonzelet*, 963 8 F.2d 1258, 1262 (9th Cir. 1992). The Court also warned Plaintiff that the failure to 9 comply with the Court’s Order to amend her Complaint would result in dismissal. 10 See *Products Liability Litigation*, 460 F.3d at 1229 (“Warning that failure to obey a 11 court order will result in dismissal can itself meet the ‘consideration of alternatives’ 12 requirement.”) (citing, *inter alia*, *Ferdik*, 963 F.2d at 1262 (“Moreover, our 13 decisions also suggest that a district court’s warning to a party that his failure to 14 obey the court’s order will result in dismissal can satisfy the ‘consideration of 15 alternatives’ requirement.”)). Despite the Court’s warning, Plaintiff failed to file an 16 Amended Complaint. 17 C. Conclusion. 18 Four of the five factors support dismissal of the action for failure to comply 19 with an order of the Court. Moreover, because this is Plaintiff’s second action in 20 which she did not attempt to comply with the Court’s order to state her claims with 21 particularity, the dismissal of this action will operate as an adjudication on the 22 merits. See Fed. R. Civ. P. 41(b) (“Unless the dismissal order states otherwise, a 23 dismissal under this subdivision (b) and any dismissal not under this rule -- except 24 one for lack of jurisdiction, for improper venue, or for failure to join a party under 25 Rule 19 -- operates as an adjudication on the merits.”); *Stewart v. U.S. Bancorp*, 26 297 F.3d 953, 956 (9th Cir. 2002) (dismissal under Rule 41(b) that operates as an 27 adjudication on the merits is interchangeable with dismissal with prejudice). Thus, 28 dismissal with prejudice is warranted.

# 1 ORDER

2 It is ordered that the action is dismissed with prejudice. Fed. R. Civ. P. 3 41(b). 4 5 DATED: June 9, 2025 6 7 /s/

FERNANDO M. OLGUIN

8 UNITED STATES DISTRICT JUDGE

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