

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Adam Loew v. Sycamore Grove of Simi Valley, et al.

Loew v. Sycamore Grove · No. 2:25-cv-03363-FMO (E) · Decided May 27, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Adam Loew’s housing-discrimination action without prejudice under Federal Rule of Civil Procedure 41(b). The court found that Plaintiff failed to comply with an order requiring him to submit a renewed in forma pauperis request or pay the filing fee and file an amended complaint. The court determined that four of the five Ninth Circuit dismissal factors supported dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 27, 2025
DOCKET	2:25-cv-03363-FMO (E)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff filed a housing-discrimination complaint and a request to proceed in forma pauperis. After postponing ruling on the IFP request, the court ordered Plaintiff to submit a renewed IFP request or pay the filing fee and to file an amended complaint. Plaintiff failed to comply, and the court dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	A district court's dismissal for failure to prosecute or comply with a court order under Rule 41(b) is evaluated under the Ninth Circuit's five-factor test: 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 alternatives.
PRECEDENTIAL VALUE	unpublished district court order

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QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because Plaintiff failed to comply with the court's order to renew his IFP request or pay the filing fee and file an amended complaint.
2. Whether the Ninth Circuit's five-factor test for dismissal as a sanction supports dismissal under the circumstances.

HOLDINGS

1. Under Federal Rule of Civil Procedure 41(b), a district court may dismiss an action without prejudice when a plaintiff fails to comply with the court's order, including an order requiring an amended complaint.
2. Dismissal without prejudice was warranted because four of the five Ninth Circuit factors supported dismissal: expeditious resolution, docket management, prejudice to defendants, and availability of less drastic alternatives; only the policy favoring merits dispositions weighed against dismissal.

KEY QUOTATIONS

“A district court has the inherent power under Federal Rule of Civil Procedure 41(b) to dismiss an action for failure to prosecute or to comply with the court’s order.” (Discussion, A)

“Four of the five factors support dismissal of the action for failure to comply with an Order of the Court. Thus, dismissal without prejudice is warranted.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff alleged housing discrimination in a complaint filed on April 16, 2025. The court postponed ruling on his request to proceed in forma pauperis and ordered him either to submit a new IFP request or pay the filing fee, while also requiring an amended complaint. Despite a thirty-day deadline and an explicit warning that noncompliance could result in dismissal, Plaintiff filed neither the required financial submission or payment nor an amended complaint.

PROCEDURAL HISTORY

On April 16, 2025, Plaintiff filed the complaint and an IFP request. On April 21, 2025, the court gave Plaintiff thirty days to provide additional information, renew the IFP request or pay the filing fee, and file an amended complaint, warning that noncompliance could result in dismissal. Plaintiff did not comply, so the court dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R. Co., 370 U.S. 626, 631 (1962)
- Applied Underwriters, Inc. v. Lichtenegger, 913 F.3d 884, 891 (9th Cir. 2019)
- Yourish v. California Amplifier, 191 F.3d 983, 986, 990-91 (9th Cir. 1999)
- Hernandez v. City of El Monte, 138 F.3d 393, 399 (9th Cir. 1998)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)
- Irvin v. Madrid, 749 F. App'x 546, 547 (9th Cir. 2018)
- In re Eisen, 31 F.3d 1447, 1452-53 (9th Cir. 1994)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1228-29 (9th Cir. 2006)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1262 (9th Cir. 1992)

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