

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Silvano Delgado v. Federal Express Corporation, et al.

Delgado · No. CV 25-2370 PA (MBKx) · Decided December 31, 2025

SUMMARY

The United States District Court for the Central District of California dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) because the parties failed to file required pretrial documents and the plaintiff failed to prosecute the case. The court applied the Ninth Circuit’s Henderson factors and concluded that dismissal was warranted. The scheduled final pretrial conference and trial were vacated, and the court stated that it would issue a consistent judgment.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Percy Anderson
JURISDICTION	United States District Court for the Central District of California
DECIDED	December 31, 2025
DOCKET	CV 25-2370 PA (MBKx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court sua sponte dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with the court's Civil Trial Scheduling Order.
STANDARD OF REVIEW	A district court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to comply with a court order. Before dismissal, the court considers the five Henderson factors, with particular attention to the availability of less drastic sanctions in sua sponte dismissals.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Silvano Delgado v. Federal Express Corporation, et al.

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

civil procedure

employment litigation

QUESTIONS PRESENTED

1. Whether the district court could sua sponte dismiss the action under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a court order.
2. Whether the Henderson factors supported dismissal under the circumstances.
3. Whether dismissal without prejudice was an appropriate less drastic sanction.

HOLDINGS

1. A district court may sua sponte dismiss an action under Federal Rule of Civil Procedure 41(b) for failure to prosecute or failure to comply with a court order, even when the defendant has not moved for dismissal.
2. Dismissal was warranted because the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, and the availability of less drastic sanctions supported dismissal, while the policy favoring disposition on the merits did not outweigh the other factors.
3. Dismissal without prejudice was an appropriate less drastic sanction for the parties' violation of the scheduling order and Plaintiff's failure to prosecute.

KEY QUOTATIONS

“The Court has the inherent power to achieve the orderly and expeditious disposition of cases by dismissing actions pursuant to Rule 41(b) with prejudice for failure to prosecute or for failure to comply with a court order.”

“Dismissal is appropriate “where at least four factors support dismissal, or where at least three factors ‘strongly’ support dismissal.””

“As result of the parties’ violation of the Court’s Civil Trial Scheduling Order, and Plaintiff’s failure to prosecute, this action is dismissed without prejudice.”

FACTUAL BACKGROUND

The court's Civil Trial Scheduling Order required the parties to file various pretrial documents by the specified deadline and warned that noncompliance could result in dismissal, default, or sanctions. No pretrial documents were filed after the deadline expired. Plaintiff had also filed no pleading in the action since April 21, 2025.

PROCEDURAL HISTORY

The parties were required to file specified pretrial documents by December 26, 2026, pursuant to the court's scheduling order. No pretrial documents were filed, and Plaintiff had not filed any pleading since April 21, 2025. After considering the Ninth Circuit's five-factor dismissal test, the court dismissed the action without prejudice and vacated the scheduled final pretrial conference and trial.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R., 370 U.S. 626, 629-30, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962)
- Alexander v. Pac. Mar. Ass'n, 434 F.2d 281, 283-84 (9th Cir. 1970)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992)
- Yourish v. Cal. Amplifier, 191 F.3d 983, 986-88, 990-91 (9th Cir. 1999)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- 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)
- Southwest Marine Inc. v. Danzig, 217 F.3d 1128, 1138 (9th Cir. 2000)
- Dreith v. Nu Image, Inc., 648 F.3d 779, 788 (9th Cir. 2011)
- Morris v. Morgan Stanley & Co., 942 F.2d 648, 652 (9th Cir. 1991)
- McHenry v. Renne, 84 F.3d 1172, 1178 (9th Cir. 1996)