

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Star Fabrics, Inc. v. Sweet Lemon, Inc., et al.

Star Fabrics · No. 2:25-cv-06032-BFM · Decided October 3, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Star Fabrics, Inc.’s copyright infringement action without prejudice under Federal Rule of Civil Procedure 41(b). The dismissal was based on the plaintiff’s failure to prosecute the case and comply with the court’s order to show cause.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Brianne Fuller Mircheff
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 3, 2025
DOCKET	2:25-cv-06032-BFM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed Plaintiff's copyright-infringement action without prejudice for failure to prosecute and failure to comply with a court order under Federal Rule of Civil Procedure 41(b).
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor test for dismissal for failure to prosecute or failure to comply with court orders.
PRECEDENTIAL VALUE	Unknown

TOPICS

- civil procedure
- sanctions
- copyright infringement
- copyright law

PRACTICE AREAS

- civil procedure
- copyright
- commercial litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) for Plaintiff's failure to prosecute.
2. Whether the action should be dismissed for Plaintiff's failure to comply with the court's order to show cause.
3. Whether the five factors governing dismissal for failure to prosecute and failure to comply with court orders supported dismissal without prejudice.

HOLDINGS

1. A district court has authority under Federal Rule of Civil Procedure 41(b) to dismiss an action when the plaintiff fails to prosecute or fails to comply with a court order.
2. In deciding whether to dismiss, the court must consider the public's interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring decisions on the merits, and the availability of less drastic sanctions.
3. Dismissal was appropriate because Plaintiff failed to prosecute the action and failed to respond to the court's order to show cause, while the relevant dismissal factors favored termination.

KEY QUOTATIONS

"It is well established that a district court has authority to dismiss a plaintiff's action because of his or her failure to prosecute or to comply with court orders." (at 1)

"In determining whether to dismiss this action due to Plaintiff's failure to prosecute or to comply with court orders, the Court must consider the following five factors: "(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)

"For these reasons, the Court DISMISSES this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply with Court orders." (at 3)

FACTUAL BACKGROUND

Star Fabrics, Inc. filed a single claim for copyright infringement and served the defendants. After dismissing one defendant, Plaintiff did not seek default against the remaining defendants, who made no appearances or responses. Plaintiff also failed to respond to the court's order to show cause regarding dismissal for lack of prosecution.

PROCEDURAL HISTORY

Plaintiff filed a single-count copyright-infringement complaint on July 2, 2025, and served the defendants. Plaintiff voluntarily dismissed Defendant Lulus Fashion Lounge, LLC, but the remaining defendants did not appear or respond, and Plaintiff did not seek entry of default. After the court issued an order to show cause why the action should not be dismissed for lack of prosecution, Plaintiff failed to respond. The court dismissed the action without prejudice and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30 (1962)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992)
- Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988) (per curiam)
- In re Eisen, 31 F.3d 1447, 1451-53 (9th Cir. 1994)
- Morris v. Morgan Stanley Co., 942 F.2d 648, 652 (9th Cir. 1991)
- W. Coast Theater Corp. v. City of Portland, 897 F.2d 1519, 1523 (9th Cir. 1990)

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