

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)

OPINION

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

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 WESTERN DIVISION

11

12 STAR FABRICS, INC., No. 2:25-cv-06032-BFM

13 Plaintiff, ORDER DISMISSING CASE

14 v. FOR FAILURE TO

PROSECUTE AND COMPLY

15 SWEET LEMON, INC., et al. WITH COURT ORDERS

16 Defendants. 17

18 19 I.

20 BACKGROUND

21 On July 2, 2025, Plaintiff Star Fabrics, Inc. filed a Complaint alleging a 22 single claim of
copyright infringement. (ECF 1.) Plaintiff served the Complaint 23 on all Defendants (ECF 8-10)
and subsequently filed a Notice of Dismissal of 24 Defendant Lulus Fashion Lounge, LLC on
August 22, 2025 (ECF 13). No other 25 Defendant has responded to the Complaint or otherwise
made an appearance, 26 and Plaintiff has not moved for entry of a default against those
Defendants. 27 On August 26, 2026, the Court ordered Plaintiff to show cause why this 28 action
should not be dismissed for lack of prosecution. (ECF 14.) The Court 1 ordered Plaintiff to
respond by September 2, 2025. (ECF 14.) Plaintiff has not 2 responded to the Court’s Order, and
no Defendant has since made an 3 appearance. 4 II.

5 DISCUSSION

6 It is well established that a district court has authority to dismiss a 7 plaintiff's action because of his or her failure to prosecute or to comply with court 8 orders. See Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 9 (1962) (holding that a court's authority to dismiss for lack of prosecution is 10 necessary to prevent undue delays in the disposition of pending cases and to 11 avoid congestion in the calendars of the district courts); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (holding that a district court may dismiss an 13 action for failure to comply with any order of the court). 14 In determining whether to dismiss this action due to Plaintiff's failure to 15 prosecute or to comply with court orders, the Court must consider the following 16 five factors: "(1) the public's interest in expeditious resolution of litigation; (2) 17 the court's need to manage its docket; (3) the risk of prejudice to the defendants; 18 (4) the public policy favoring disposition of cases on their merits[;] and (5) the 19 availability of less drastic sanctions." *Carey v. King*, 856 F.2d 1439, 1440 (9th

20 Cir. 1988) (per curiam) (citation and quotation marks omitted); see also *In re* 21 *Eisen*, 31 F.3d 1447, 1451 (9th Cir. 1994) (failure to prosecute); *Ferdik*, 963 F.2d 22 at 1260-61 (failure to comply with court orders). 23 The first two factors—the public's interest in expeditious resolution of 24 litigation and the Court's need to manage its docket—weigh in favor of 25 dismissal. Plaintiff has not responded to the Court's August 26, 2025, Order 26 (ECF 14). Plaintiff's failure to prosecute and failure to follow court orders 27 hinders the Court's ability to move this case toward disposition and indicates 28 that Plaintiff does not intend to litigate this action diligently. 1 The third factor—prejudice to defendants—also weighs in favor of 2 dismissal. A rebuttable presumption of prejudice to defendants arises when a 3 plaintiff unreasonably delays prosecution of an action. *Eisen*, 31 F.3d at 1452- 4 53. Nothing suggests that such a presumption is unwarranted in this case. 5 The fourth factor—public policy in favor of deciding cases on their 6 merits—ordinarily weighs against dismissal. It is Plaintiff's responsibility, 7 however, to move its case toward a disposition at a reasonable pace and to avoid 8 dilatory and evasive tactics. See *Morris v. Morgan Stanley Co.*, 942 F.2d 648, 9 652 (9th Cir. 1991). Plaintiff has not discharged this responsibility despite 10 having been instructed on its responsibilities and granted sufficient time in 11 which to discharge them. (See ECF 14.) Under these circumstances, the public 12 policy favoring resolution of disputes on the merits does not outweigh Plaintiff's 13 failure to comply with court orders, or to file responsive documents within the 14 time granted. 15 The fifth factor—availability of less drastic sanctions—weighs in favor of 16 dismissal. The Court attempted to avoid dismissal when it issued its August 26, 17 2025, Order, giving Plaintiff an opportunity to show cause why this case should 18 not be dismissed. Nonetheless, as of the date of this Order, Plaintiff has failed 19 take any action or otherwise respond to that Order. The Court cannot move the 20 case toward disposition without Plaintiff's compliance with court orders or 21 participation in this litigation. 22 Taking the above factors into account, dismissal for failure to prosecute 23 and to follow court orders is appropriate. Such a dismissal, however, should not 24 be entered unless Plaintiff has been notified that dismissal is imminent. See *W. 25 Coast Theater*

Corp. v. City of Portland, 897 F.2d 1519, 1523 (9th Cir. 1990). In 26 this case, Plaintiff was cautioned about the possibility of dismissal in the Court's

27 August 26, 2025, Order. (ECF 14.)

28 1 III.

2 CONCLUSION

3 For these reasons, the Court DISMISSES this action without prejudice 4 || under Federal Rule of Civil Procedure 41(b) for failure to prosecute and comply 5 || with Court orders. IT IS FURTHER ORDERED that the Clerk of Court 6 || shall close this action. 7 8 || DATED: October 3, 2025
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10 BRIANNA FULLER MIRCHEFF

UNITED STATES MAGISTRATE JUDGE

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