

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.

OPINION

1 2 3 4 5 6 7 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 12 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 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 Nunn f 9 10 BRIANNA FULLER MIRCHEFF UNITED STATES MAGISTRATE JUDGE 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28