

**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

OPINION

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

PER CURIAM.

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 action for failure to comply with any order of the court). 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." *Carey v. King*, 856 F.2d 1439, 1440 (9th 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). The first two factors—the public's interest in expeditious resolution of litigation and the Court's need to manage its docket—weigh in favor of dismissal. Plaintiff has not responded to the Court's August 26, 2025, Order (ECF 14). Plaintiff's failure to prosecute and failure to follow court orders hinders the Court's ability to move this case toward disposition and indicates that Plaintiff does not intend to litigate this action diligently. The third factor—prejudice to defendants—also weighs in favor of dismissal. A rebuttable presumption of prejudice to defendants arises when a plaintiff unreasonably delays prosecution of an action. *Eisen*, 31 F.3d at 1452-53. Nothing suggests that such a presumption is unwarranted in this case. The fourth factor—public policy in favor of deciding cases on their merits—ordinarily weighs against dismissal. It is Plaintiff's responsibility, however, to move its case toward a disposition at a reasonable pace and to avoid dilatory and evasive tactics. See *Morris v. Morgan Stanley Co.*, 942 F.2d 648, 652 (9th Cir. 1991). Plaintiff has not discharged this responsibility despite having been instructed on its responsibilities and granted sufficient time in which to discharge them. (See ECF 14.) Under these circumstances, the public policy favoring resolution of disputes on the merits does not outweigh Plaintiff's failure to comply with court orders, or to file responsive documents within the time granted. The fifth factor—availability of less drastic sanctions—weighs in favor of dismissal. The Court attempted to avoid dismissal when it issued its August 26, 2025, Order, giving Plaintiff an opportunity to show cause why this case should not be dismissed. Nonetheless, as of the date of this Order, Plaintiff has failed to take any action or otherwise respond to that Order. The Court cannot move the case toward disposition without Plaintiff's compliance with court orders or participation in this litigation. Taking the above factors into account, dismissal for failure to prosecute and to follow court orders is appropriate. Such a dismissal, however, should not be entered unless Plaintiff has been notified that dismissal is imminent. See *W. Coast Theater Corp. v. City of Portland*, 897 F.2d 1519, 1523 (9th Cir. 1990). In this case, Plaintiff was cautioned about the possibility of dismissal in the Court's August 26, 2025, Order. (ECF 14.)

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