

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Maria Garcia v. Ukani Enterprise, Inc., et al.

Garcia · No. CV 25-9791-MWF (ASx) · Decided December 19, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Maria Garcia’s action against Ukani Enterprise, Inc. without prejudice for failure to prosecute and comply with the Court’s order concerning service and requests for entry of default. The Court relied on Federal Rule of Civil Procedure 41(b) and Ninth Circuit authority, and directed the Clerk to treat the order as an entry of judgment.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	December 19, 2025
DOCKET	CV 25-9791-MWF (ASx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed Plaintiff's Americans with Disabilities Act action without prejudice on its own motion for failure to prosecute and failure to comply with a court order.
STANDARD OF REVIEW	A district court may dismiss an action for failure to prosecute or failure to comply with a court order, after considering the five-factor test concerning expeditious resolution, docket management, prejudice, disposition on the merits, and less drastic sanctions.
PRECEDENTIAL VALUE	Unpublished district court dismissal order; not designated as precedential in the provided text.
PARTIES	Maria Garcia v. Ukani Enterprise, Inc., et al.

TOPICS

- civil procedure
- ada / disability

PRACTICE AREAS

civil procedure

Americans with Disabilities Act

civil rights

QUESTIONS PRESENTED

1. Whether the district court could dismiss the action without prejudice for failure to prosecute and failure to comply with the court's prosecution and service order.
2. Whether dismissal was warranted under the five-factor test governing dismissal for failure to prosecute or failure to comply with court orders.

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 comply with a court order.
2. Dismissal without prejudice for lack of prosecution was warranted after consideration of the public interest in expeditious resolution, docket management, prejudice to the defendant, the policy favoring decisions on the merits, and the availability of less drastic sanctions.

KEY QUOTATIONS

"It is well-established that a district court has authority to dismiss a plaintiff's action due to her failure to prosecute and/or to comply with court orders."

"Taking all of these factors into account, dismissal for lack of prosecution is warranted."

"Accordingly, the action is DISMISSED without prejudice."

FACTUAL BACKGROUND

Garcia commenced an action against Ukani Enterprise, Inc. The court ordered her to file proof of service within 90 days and to request entry of default within seven calendar days after a defendant's response deadline if the defendant did not respond or seek a stay and early mediation. Garcia filed proof of substituted service showing service on November 7, 2025, making Ukani's response due by December 8, 2025, but she did not timely request entry of default.

PROCEDURAL HISTORY

Maria Garcia filed the action on October 13, 2025. The court later ordered her to serve all defendants within 90 days and, if a defendant failed to respond, to seek entry of default within seven calendar days after the response deadline. Although Garcia filed proof of substituted service on December 18, 2025, she did not timely seek entry of default after Ukani Enterprise's response deadline passed on December 8, 2025. The court dismissed the action without prejudice and directed the Clerk to treat the order and its docket entry as the judgment.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash Railroad Co., 370 U.S. 626, 629–30 (1962)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260–61 (9th Cir. 1992)
- In re Eisen, 31 F.3d 1447, 1451 (9th Cir. 1994)

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