

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Howard v. FCA US, LLC

Howard · No. 24cv2099-LL-MMP · Decided June 6, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed April Howard’s action against FCA US, LLC with prejudice under Federal Rule of Civil Procedure 41(b). The court found that Howard failed to comply with orders concerning representation and failed to respond to an order to show cause, warranting dismissal for failure to follow a court order and failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Linda Lopez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 6, 2025
DOCKET	24cv2099-LL-MMP
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action with prejudice under Federal Rule of Civil Procedure 41(b) after plaintiff failed to comply with an order requiring her either to proceed pro se and provide a current address or obtain new counsel, and then failed to respond to an order to show cause.
STANDARD OF REVIEW	Dismissal under Federal Rule of Civil Procedure 41(b) as a sanction for failure to comply with court orders or prosecute requires consideration of five factors: the public interest in expeditious resolution, the court’s need to manage its docket, the risk of prejudice to defendants, the policy favoring disposition on the merits, and the availability of less drastic alternatives.
PRECEDENTIAL VALUE	Unknown; district court order with no published reporter citation.

TOPICS

- sanctions
- civil procedure

PRACTICE AREAS

civil procedure

Federal Rule of Civil Procedure 41(b) dismissal

failure to prosecute

QUESTIONS PRESENTED

1. Whether the action should be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for plaintiff's failure to comply with court orders and failure to prosecute.

HOLDINGS

1. Dismissal with prejudice was warranted because the five Ninth Circuit dismissal factors favored dismissal: plaintiff's inaction impeded expeditious resolution and docket management, prejudiced the defendant through unreasonable delay, provided little support for the merits-based disposition policy, and could not be remedied by less drastic alternatives after the court twice warned that noncompliance would result in dismissal.

KEY QUOTATIONS

"in order for a court to dismiss a case as a sanction, the district court must consider 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 alternatives."" (at 1)

"Warning that failure to obey a court order will result in dismissal can itself meet the 'consideration of alternatives' requirement." (at 2)

FACTUAL BACKGROUND

Plaintiff's counsel withdrew after the court granted a motion to withdraw. Plaintiff did not notify the court that she intended to proceed pro se and provide a current address, and she did not obtain new counsel as ordered. Plaintiff also failed to respond to a subsequent order to show cause despite two warnings that noncompliance could result in dismissal.

PROCEDURAL HISTORY

On March 3, 2025, the court granted plaintiff's counsel's motion to withdraw and ordered plaintiff to file a notice of intent to proceed pro se with updated contact information or have new counsel enter an appearance by April 4, 2025. Plaintiff and potential new counsel took neither action. After the court issued an order to show cause on May 5, 2025, plaintiff failed to respond by the May 19 deadline, and the court dismissed the case with prejudice and directed the clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- *Yourish v. California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999)
- *Ronconi v. Larkin*, 253 F.3d 423, 429 n.6 (9th Cir. 2001)
- *Anderson v. Air W., Inc.*, 542 F.2d 522, 524 (9th Cir. 1976)
- *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d 1217, 1228-1229 (9th Cir. 2006)

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