

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Aragon v. DZR Group Inc.

Aragon · No. 25-cv-0264-AGS-BLM · Decided July 14, 2025

OPINION

Aragon v. DZR Group Inc.

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF CALIFORNIA

3 Daniel ARAGON, Case No.: 25-cv-0264-AGS-BLM 4 Plaintiff, ORDER DISMISSING CASE
WITHOUT PREJUDICE

5 v. 6 DZR GROUP INC., et al., 7 Defendants. 8 9 The Court previously dismissed plaintiff
Daniel Aragon’s amended complaint and 10 ordered that “[a]ny second amended complaint” be
filed “by June 10, 2025.” (ECF 7, at 2.) 11 None has yet been filed, so this case is dismissed
without prejudice. 12 “In determining whether to dismiss a claim for failure to prosecute or failure
to 13 comply with a court order, the Court must weigh the following factors: (1) the public’s 14
interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; 15 (3) the
risk of prejudice to defendants/respondents; (4) the availability of less drastic 16 alternatives; and
(5) the public policy favoring disposition of cases on their merits.” 17 *Pagtalunan v. Galaza*, 291
F.3d 639, 642 (9th Cir. 2002). The first factor—the public 18 interest in expeditious resolution
—“always favors dismissal.” *Id.* The second factor 19 regarding the court’s need to manage its
docket likewise weighs in favor of dismissal since 20 Aragon’s “noncompliance has caused the
action to come to a complete halt, thereby 21 allowing [Aragon] to control the pace of the docket
rather than the Court.” See *Yourish v. 22 California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999).
The risk of prejudice to defendants 23 (the third factor) also supports dismissal because the “law
presumes injury from 24 unreasonable delay,” and plaintiff has offered no explanation for the
tardiness that would 25 render it reasonable. See *In re Eisen*, 31 F.3d 1447, 1452 (9th Cir. 1994).
The fourth factor 26 concerning the availability of less drastic alternatives points toward
dismissal, too. The 27 Court has afforded Aragon multiple opportunities to amend, and Aragon
was warned that 28 if he “fails to file an amended complaint by the deadline, this entire action will
be | | dismissed.” (ECF 7, at 2 (citing *Lira v. Herrera*, 427 F.3d 1164, 1169 (9th Cir. 2005).) The 2
amendment opportunities “constitute[] an attempt at a less drastic sanction,” and “a district 3 |
court’s warning to a party that his failure to obey the court’s order will result in dismissal 4 |can
satisfy the ‘consideration of alternatives’ requirement.” See *Ferdik v. Bonzelet*, 5 F.2d 1258, 1262
(9th Cir. 1992). The last factor—the public policy for disposition on 6 merits—is the only

consideration that weighs against dismissal. 7 Because “at least four factors support dismissal,” the Court concludes that dismissal 8 the proper remedy here. See Yourish, 191 F.3d at 990. 9 || Dated: July 14, 2025 11 Hon. rew G. Schopler United States District Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

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