

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Dmytro Ivanov v. Alejandro N. Mayorkas, et al.

Ivanov v. Mayorkas · No. 8:25-00007 ADS · Decided November 20, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Dmytro Ivanov’s mandamus action concerning an immigration application. The court dismissed the action under Federal Rule of Civil Procedure 41(b) because the plaintiff failed to prosecute the case and comply with court orders.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Autumn D. Spaeth
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 20, 2025
DOCKET	8:25-00007 ADS
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought an action seeking mandamus relief concerning an immigration application. After issuing an order to show cause regarding dismissal for lack of prosecution, the court dismissed the action under Federal Rule of Civil Procedure 41(b) because plaintiff failed to prosecute and failed to comply with a court order requiring a proof of service and substitution-of-counsel form.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor test for dismissal under Federal Rule of Civil Procedure 41(b) based on failure to prosecute or comply with a court order.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated and metadata identifies status as unknown.
PARTIES	Dmytro Ivanov v. Alejandro N. Mayorkas, et al.

TOPICS

- mandamus immigration
- immigration
- sanctions
- civil procedure

PRACTICE AREAS

Civil procedure

Immigration

Mandamus

Federal courts

QUESTIONS PRESENTED

1. Whether dismissal under Federal Rule of Civil Procedure 41(b) was warranted because plaintiff failed to prosecute the action.
2. Whether dismissal under Federal Rule of Civil Procedure 41(b) was warranted because plaintiff failed to comply with the court's order requiring a proof of service and substitution-of-counsel form.

HOLDINGS

1. Dismissal was warranted because plaintiff failed to prosecute the action and failed to comply with the court's order requiring a proof of service and substitution-of-counsel form.

KEY QUOTATIONS

“The Court weighs the following factors when determining whether to dismiss an action for failure to comply with a court order or failure to prosecute: (1) the public’s interest in the expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendant; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” (at 2)

“Having weighed these factors, the Court finds that dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b) is warranted.” (at 3)

FACTUAL BACKGROUND

Plaintiff filed an immigration-related mandamus action but made no substantive progress in the case. After the court denied his motion for a 60-day stay, it ordered him to file a proof of service complying with the Local Rules and a substitution-of-counsel form. Plaintiff failed to comply with the order and did not otherwise respond, despite prior warnings that the action could be dismissed.

PROCEDURAL HISTORY

Plaintiff filed the action on January 2, 2025. The court later issued an order to show cause concerning dismissal for lack of prosecution. Plaintiff responded with a motion for a 60-day stay, which the court denied, and the court ordered plaintiff to file a Local Rule-compliant proof of service and substitution-of-counsel form by October 17, 2025. Plaintiff did not comply or otherwise respond, and the court dismissed the action and directed entry of judgment.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30 (1962)

- Pagtalunan v. Galaza, 291 F.3d 639, 640, 642 (9th Cir. 2002)
- Yourish v. California Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)
- In re Eisen, 31 F.3d 1447, 1452-53 (9th Cir. 1994)
- Anderson v. Air West, Inc., 542 F.2d 522, 524 (9th Cir. 1976)
- Henderson v. Duncan, 779 F.2d 1421, 1424 (9th Cir. 1986)
- Morris v. Morgan Stanley Co., 942 F.2d 648, 652 (9th Cir. 1991)

OPINION

Dmytro Ivanov v. Alejandro N. Mayorkas, et al.

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10 11 DMYTRO IVANOV, Case No. 8:25-00007 ADS i 12 Plaintiff, c

13 v. ORDER DISMISSING ACTION FOR

FAILURE TO PROSECUTE AND

14 ALEJANDRO N. MAYORKAS, et al., COMPLY WITH COURT ORDERS

Defendants. 15 16 17

18 I. INTRODUCTION

19 On January 2, 2025, Plaintiff filed this action seeking mandamus relief in relation 20 to his immigration application. (Dkt. No. 1.) Since then, the case has made no 21 substantive progress. The Court issued an OSC Re Dismissal For Lack of Prosecution. 22 (Dkt. No. 23.) In response, Plaintiff filed a Motion for 60-day Stay (Dkt. No. 24.) The 23 Court denied the Motion for 60-day Stay and ordered Plaintiff to file a Local Rule 24 compliant proof of service and a substitution of counsel form by no later than October 1 17, 2025 (the “Order”). (Dkt. No. 25.) To date, Plaintiff has not complied with or filed 2 any response to the Order.

3 II. DISCUSSION

4 Dismissal of this action is warranted due to Plaintiff’s failure to prosecute the 5 case and comply with court orders. The Court has the inherent power to achieve the 6 orderly and expeditious disposition of cases by dismissing actions pursuant to Fed. R. 7 Civ. P. 41(b) for failure to prosecute and failure to comply with a court order. See Link v. 8 Wabash R.R. Co., 370 U.S. 626, 629-30 (1962); see also Pagtalunan v. Galaza, 291 9 F.3d 639, 640 (9th Cir. 2002). The Court weighs the following factors when 10 determining whether to dismiss an action for failure to comply with a court order or 11 failure to prosecute: (1) the public’s interest in the expeditious resolution of litigation; 12 (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendant; 13 (4) the public policy favoring disposition of cases on their merits; and (5) the availability 14 of less drastic sanctions. Pagtalunan, 291 F.3d at 642. 15 Here, the first, second, third, and fifth factors weigh in favor of dismissal. First, 16 Plaintiff has failed to engage with this

case in any way since September 12, 2025 and 17 failed to respond to the Court's October 2, 2025 Order Requiring Proof of Service. This 18 failure to prosecute the case has interfered with the public's interest in the expeditious 19 resolution of this litigation and the Court's need to manage its docket. See *Yourish v. 20 California Amplifier*, 191 F.3d 983, 990 (9th Cir. 1999) ("[T]he public's interest in 21 expeditious resolution of litigation always favors dismissal."). Second, Plaintiff has 22 failed to rebut the presumption that defendants have been prejudiced by this 23 unreasonable delay. In *re Eisen*, 31 F.3d 1447, 1452-53 (9th Cir. 1994) ("The law 24 presumes injury from unreasonable delay.") (quoting *Anderson v. Air West, Inc.*, 542 1 F.2d 522, 524 (9th Cir. 1976)). Third, there is no less drastic sanction available as the 2 Court has warned Plaintiff multiple times that the case would be dismissed. 3 Accordingly, the Court has taken meaningful steps to explore alternatives to dismissal. 4 See *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) ("The district court need 5 not exhaust every sanction short of dismissal before finally dismissing a case, but must 6 explore possible and meaningful alternatives."). Finally, although the fourth factor 7 always weighs against dismissal, here Plaintiff's failure to discharge his responsibility to 8 move the case towards a disposition outweighs the public policy favoring disposition on 9 the merits. *Morris v. Morgan Stanley Co.*, 942 F.2d 648, 652 (9th Cir. 1991) ("Although 10 there is indeed a policy favoring disposition on the merits, it is the responsibility of the 11 moving party to move towards that disposition at a reasonable pace, and to refrain from 12 dilatory and evasive tactics."). Having weighed these factors, the Court finds that 13 dismissal of this action pursuant to Federal Rule of Civil Procedure 41(b) is warranted.

14 III. CONCLUSION

15 Accordingly, this action is dismissed for failure to prosecute and comply with 16 court orders pursuant to Federal Rule of Civil Procedure 41(b). Judgment is to be 17 entered accordingly. 18 19 IT IS SO ORDERED. 20 21 Dated: November 20, 2025 22 ____/s/ Autumn D. Spaeth____

23 THE HONORABLE AUTUMN D. SPAETH

United States Magistrate Judge 24