

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PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated and metadata identifies status as unknown.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)

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