

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Latanya Williams v. J Lorraine LLC, et al.

Williams · No. CV 25-1213-FMO (BFMx) · Decided May 20, 2025

SUMMARY

The United States District Court for the Central District of California dismissed the action without prejudice for failure to prosecute and failure to comply with a court order. The plaintiff did not request entry of default after the defendant failed to respond, despite a prior warning that failure to do so could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	May 20, 2025
DOCKET	CV 25-1213-FMO (BFMx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action without prejudice after plaintiff failed to comply with a standing order requiring her to seek entry of default after defendant failed to respond to the complaint.
STANDARD OF REVIEW	A district court may dismiss under Federal Rule of Civil Procedure 41(b) for failure to prosecute or failure to comply with a court order; the dismissal is reviewed for abuse of discretion, with consideration of the Pagtalunan factors.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Latanya Williams v. J Lorraine LLC, et al.

TOPICS

- civil procedure
- default judgment
- service of process
- sanctions
- ada / disability

PRACTICE AREAS

- civil procedure
- Americans with Disabilities Act

QUESTIONS PRESENTED

1. Whether the district court should dismiss the action under Federal Rule of Civil Procedure 41(b) for plaintiff's failure to comply with the court's order requiring a request for entry of default.
2. Whether dismissal without prejudice was warranted for failure to prosecute after plaintiff failed to move the case forward when the defendant did not respond.

HOLDINGS

1. A district court may dismiss an action without prejudice under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to comply with a court order requiring action to advance the case and fails to prosecute the action.

KEY QUOTATIONS

“Having considered the Pagtalunan factors, the court is persuaded that this action should be dismissed for failure to comply with a court order and failure to prosecute.” (at 4)

“Based on the foregoing, IT IS ORDERED that judgment be entered dismissing this action, without prejudice, for failure to prosecute and comply with the orders of the court.” (at 5)

FACTUAL BACKGROUND

Defendant Ennio Capra, as trustee of the Ennio Capra Trust, was served with the summons and complaint by substituted service on April 8, 2025. Under the applicable service rules, defendant's responsive pleading was due no later than May 9, 2025. Defendant did not answer, and plaintiff did not file the required request for entry of default despite a prior court order warning that failure to do so could result in dismissal.

PROCEDURAL HISTORY

Plaintiff served defendant Ennio Capra, as trustee of the Ennio Capra Trust, by substituted service on April 8, 2025. The responsive pleading was due May 9, 2025, but defendant did not answer and plaintiff did not request entry of default within the period required by the court's February 24, 2025 standing order. The court dismissed the action without prejudice for failure to prosecute and failure to comply with a court order.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S. Ct. 1386, 1388 (1962)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-62 (9th Cir. 1992)
- Thompson v. Housing Auth. of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)
- Applied Underwriters, Inc. v. Lichtenegger, 913 F.3d 884, 891 (9th Cir. 2019)

- Yourish v. Cal. Amplifier, 191 F.3d 983, 990 (9th Cir. 1999)

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