

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Sgheiza v. WFS Express Inc.

Sgheiza · No. 2:25-cv-01025-DC-JDP · Decided June 16, 2025

SUMMARY

The United States District Court for the Eastern District of California dismissed the action without prejudice because the plaintiff failed to respond to an order to show cause, failed to prosecute, and failed to comply with the court’s local rules. The court denied the defendant’s pending motion to dismiss as moot and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena M. Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 16, 2025
DOCKET	2:25-cv-01025-DC-JDP
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action without prejudice after Plaintiff failed to oppose or state non-opposition to Defendant's pending motion to dismiss and failed to respond to an order to show cause.
STANDARD OF REVIEW	The court considered whether dismissal for failure to prosecute and failure to comply with a court order was warranted under the five-factor framework governing involuntary dismissal.
PRECEDENTIAL VALUE	unpublished

TOPICS

- sanctions
- motions to dismiss
- civil procedure

PRACTICE AREAS

- civil procedure
- employment discrimination

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for Plaintiff's failure to prosecute.
2. Whether Plaintiff's failure to respond to the order to show cause and comply with Local Rule 230(c) warranted dismissal as a sanction.
3. Whether Defendant's pending motion to dismiss should be denied as moot after dismissal of the action.

HOLDINGS

1. The action should be dismissed without prejudice because Plaintiff failed to respond to the court's order to show cause, failed to prosecute the action, and failed to comply with the court's order and applicable Local Rules.
2. Defendant's pending motion to dismiss was denied as moot because the action itself was dismissed.

KEY QUOTATIONS

“This action is DISMISSED, without prejudice, due to Plaintiff’s failure to respond to the June 3, 2025 order to show cause (Doc. No. 6), failure to prosecute this action, and failure to comply with a court order, including the Local Rules;” (at 2)

FACTUAL BACKGROUND

Plaintiff failed to file an opposition or statement of non-opposition to Defendant's pending motion to dismiss as required by Local Rule 230(c). He also failed to respond to the court's June 3, 2025 order to show cause or request an extension of time.

PROCEDURAL HISTORY

Defendant filed a motion to dismiss. The court directed Plaintiff to show cause why he had failed to comply with Local Rule 230(c) and why the action should not be dismissed for failure to prosecute. Plaintiff did not respond or request an extension, so the court dismissed the action without prejudice, denied the pending motion to dismiss as moot, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)
- Hernandez v. City of El Monte, 138 F.3d 393, 398 (9th Cir. 1998)
- Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992), as amended (May 22, 1992)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ART TIMOTHY SGHEIZA, No. 2:25-cv-01025-DC-JDP 12 Plaintiff, 13 v.
ORDER DISMISSING THIS ACTION DUE TO PLAINTIFF’S FAILURE TO COMPLY 14 WFS
EXPRESS, INC., WITH A COURT ORDER AND FAILURE TO PROSECUTE 15 Defendant.
(Doc. No. 4) 16 17 On June 3, 2025, the court issued an order directing Plaintiff to show cause
“why Plaintiff 18 has failed to comply with Local Rule 230(c),” specifically because Plaintiff did
not file an 19 opposition or a statement of non-opposition to Defendant’s pending motion to
dismiss as 20 required.

(Doc. No. 6.) Plaintiff was also directed to show cause “why this action should not be 21
dismissed due to Plaintiff’s failure to prosecute.” (Id.) Plaintiff’s deadline to respond to that order
22 has now passed, and Plaintiff has not filed a response or a request for an extension of time in 23
which to do so. 24 In light of Plaintiff’s failure to timely respond to the order to show cause and
his failure to 25 file an opposition or statement of non-opposition to Defendant’s pending motion,
it appears that 26 Plaintiff no longer wishes to prosecute this action but rather has abandoned the
litigation.

27 In determining whether to dismiss a case for lack of prosecution, courts consider the 28 follow
factors: (1) the public interest in expeditious resolution of litigation; (2) the court’s need to 1
manage its docket; (3) the risk of prejudice to the defendant; (4) the public policy favoring 2
disposition on the merits; and (5) the availability of less drastic sanctions.

Pagtalunan v. Galaza, 3 291 F.3d 639, 642 (9th Cir. 2002); Hernandez v. City of El Monte, 138
F.3d 393, 398 (9th Cir. 4 1998). 5 In addition, the Local Rules of this court provide that the failure
of a party to comply with 6 any order of the court “may be grounds for imposition by the Court of
any and all sanctions 7 authorized by statute or Rule or within the inherent power of the Court.”
E.D.

Cal. L.R. 110. A 8 party’s failure to comply with applicable rules and law may be grounds for
dismissal or any other 9 sanction appropriate under the Local Rules. Id.; see also Ghazali v.
Moran, 46 F.3d 52, 53–54 10 (9th Cir. 1995) (dismissal for noncompliance with local rule); Ferdik
v. Bonzelet, 963 F.2d 1258, 11 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an
order requiring amendment of 12 complaint), as amended (May 22, 1992).

13 Here, the public interest in expeditious resolution of litigation, the court’s need to manage 14 its
docket, and the risk of prejudice to Defendant all support the imposition of the sanction of 15
dismissal here. Only the public policy favoring disposition on the merits counsels against 16
dismissal.

Finally, with respect to availability of less drastic sanctions, the court has considered 17 alternative
measures. The issuance of another order to show cause would be futile under the 18 circumstances

presented. 19 Accordingly, this action will be dismissed due to Plaintiff’s failure to prosecute and 20 failure to comply with the court’s order, including the Local Rules.

21 For the reasons set forth above, 22 1. This action is DISMISSED, without prejudice, due to Plaintiff’s failure to respond 23 to the June 3, 2025 order to show cause (Doc. No. 6), failure to prosecute this 24 action, and failure to comply with a court order, including the Local Rules; 25 2. Defendant’s pending motion (Doc. No. 4) is DENIED as having been rendered 26 moot by this order; and 27 28 1 3.

The Clerk of the Court is directed to close this case. 2 3 IT IS SO ORDERED. □ 4 | Dated: _ June 15, 2025 IYI os Dena Coggins 5 United States District Judge 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28