

**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

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