

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Michael Ejiawoko v. Sean Combs, et al.

Ejiawoko · No. CV 25-6750 PA (MBKx) · Decided November 21, 2025

SUMMARY

The United States District Court for the Central District of California dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b) because the plaintiff failed to serve the defendants within the Rule 4(m) period, respond to an order to show cause, or otherwise diligently prosecute the case. Applying the Ninth Circuit’s five-factor Henderson test, the court concluded that dismissal was warranted and directed entry of judgment.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Percy Anderson
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 21, 2025
DOCKET	CV 25-6750 PA (MBKx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court sua sponte dismissed the action without prejudice for failure to prosecute and failure to comply with Federal Rule of Civil Procedure 4(m) and the court's order to show cause.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for sua sponte dismissal for failure to prosecute or failure to comply with a court order.
PRECEDENTIAL VALUE	unpublished
PARTIES	Michael Ejiawoko v. Sean Combs, Vici Properties, Inc., Wynn Resorts, Ltd., Northwood Investors LLC

TOPICS

- service of process
- sanctions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) for failure to prosecute and failure to comply with a court order.
2. Whether dismissal was appropriate under Federal Rule of Civil Procedure 4(m) because Plaintiff failed to serve the summons and complaint within 90 days and did not show good cause.
3. Whether the Ninth Circuit's Henderson factors supported sua sponte dismissal without prejudice.

HOLDINGS

1. A district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to prosecute the action or comply with the Federal Rules of Civil Procedure or a court order.
2. Dismissal without prejudice was appropriate because the Henderson factors favored dismissal.
3. Failure to serve defendants within 90 days, absent good cause or a timely request for additional time, supported dismissal of the action.

KEY QUOTATIONS

“The Court may dismiss with prejudice an action or claim sua sponte if “the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil Procedure] or a court order.”” (at 1)

“Thus, the Henderson factors weigh in favor of dismissing the action.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed claims against Sean Combs, Vici Properties, Inc., Wynn Resorts, Ltd., and Northwood Investors LLC on July 24, 2025. Plaintiff did not establish that any defendant had been served within 90 days, did not respond to the court's order to show cause, and did not seek additional time. The court had warned that failure to respond could result in sanctions, including dismissal.

PROCEDURAL HISTORY

Plaintiff commenced the action on July 24, 2025. After the court determined that service had apparently not been completed within the Rule 4(m) period, it issued an order to show cause on November 4, 2025, requiring a written response by November 12, 2025. Plaintiff did not respond, file proof of service, or request additional time, so the court dismissed the action without prejudice and ordered entry of judgment.

DISPOSITION

dismissed

CASES CITED

- *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30, 82 S. Ct. 1386, 1388, 3 L. Ed. 2d 734 (1962)
- *Yourish v. Cal. Amplifier*, 191 F.3d 983, 986-88, 990 (9th Cir. 1999)
- *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260, 1263 (9th Cir. 1992)
- *Henderson v. Duncan*, 779 F.2d 1421, 1423-24 (9th Cir. 1986)
- *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th Cir. 1998)
- *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002)
- *In re Eisen*, 31 F.3d 1447, 1452 (9th Cir. 1994)
- *Moore v. Teflon Comme'ns Corp.*, 589 F.2d 959, 967-68 (5th Cir. 1978)
- *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1996)

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