

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Darwin Boggs v. Tango Wholesale Tire Inc

Boggs · No. 5:25-cv-01500-SVW-JC · Decided September 10, 2025

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the action should not be dismissed for lack of prosecution. The court noted that the plaintiff had obtained entry of default against Tango Wholesale Tire Inc. but had not sought default judgment, and directed the plaintiff either to seek default judgment or notify the court that default judgment would not be pursued by September 19, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
DECIDED	September 10, 2025
DOCKET	5:25-cv-01500-SVW-JC
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why the action should not be dismissed for lack of prosecution after Plaintiff obtained entry of default against Defendant but did not seek default judgment.
PRECEDENTIAL VALUE	Unknown
PARTIES	Darwin Boggs v. Tango Wholesale Tire Inc

TOPICS

- default judgment
- default
- civil procedure

PRACTICE AREAS

- Civil procedure
- Commercial litigation
- Americans with Disabilities Act litigation

QUESTIONS PRESENTED

- Whether the court should order Plaintiff to show cause why the action should not be dismissed for lack of prosecution.

2. Whether Plaintiff's failure to seek default judgment after entry of default warranted further action under Federal Rule of Civil Procedure 55.

HOLDINGS

1. The court may act on its own motion to require a plaintiff to show cause why an action should not be dismissed for lack of prosecution.
2. After obtaining entry of default under Federal Rule of Civil Procedure 55(a), Plaintiff was required either to seek default judgment under Rule 55(b) or notify the court that default judgment would not be sought; failure to respond to the order to show cause would be deemed consent to dismissal.

KEY QUOTATIONS

“Failure to respond will be deemed consent to the dismissal of the action.” (at 1)

FACTUAL BACKGROUND

Plaintiff obtained entry of default against Defendant Tango Wholesale Tire Inc. Plaintiff had not pursued default judgment or otherwise informed the court that default judgment would not be sought. The court therefore required Plaintiff to respond to an order to show cause regarding possible dismissal for lack of prosecution.

PROCEDURAL HISTORY

Plaintiff obtained entry of default against Tango Wholesale Tire Inc. under Federal Rule of Civil Procedure 55(a). Plaintiff had not sought default judgment under Rule 55(b), so the court, on its own motion, ordered Plaintiff to show cause in writing by September 19, 2025, why the action should not be dismissed for lack of prosecution.

DISPOSITION

other

CASES CITED

- Link v. Wabash R. Co., 370 U.S. 626 (1962)

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