

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Alejandro Gonzalez v. F21 Opco LLC

Gonzalez v. F21 Opco LLC · No. CV 25-01909-SK · Decided June 11, 2025

SUMMARY

The court ordered Plaintiff Alejandro Gonzalez to show cause by June 25, 2025 why the action against F21 Opco LLC should not be dismissed without prejudice for lack of prosecution. The order states that Plaintiff had not filed proof of service within 90 days of filing the complaint and cites Federal Rule of Civil Procedure 4(m) and Link v. Wabash Railroad Co.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Steve Kim
DECIDED	June 11, 2025
DOCKET	CV 25-01909-SK
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 failed to file proof that Defendant had been served within 90 days after the complaint was filed.
PRECEDENTIAL VALUE	Unknown; interlocutory order to show cause

TOPICS

service of process civil procedure

PRACTICE AREAS

civil procedure service of process

QUESTIONS PRESENTED

- Whether the court should require Plaintiff to show cause why the action should not be dismissed for lack of prosecution based on the failure to file proof of service within 90 days.
- Whether the matter was appropriate for submission without oral argument under Federal Rule of Civil Procedure 78.

HOLDINGS

1. Because Plaintiff failed to file proof of service within 90 days after filing the complaint, the court ordered Plaintiff to show cause why the action should not be dismissed for lack of prosecution. Plaintiff could avoid dismissal by demonstrating timely service or good cause for the failure to serve.
2. The matter was appropriate for submission without oral argument.

KEY QUOTATIONS

“Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a Defendant within 90 days after the complaint is filed.”

“Failure to respond to this Order to Show Cause will be deemed consent to the dismissal of the action.”

FACTUAL BACKGROUND

Plaintiff filed a complaint against F21 Opco LLC but had not filed proof of service within 90 days after filing the complaint. The court ordered Plaintiff to show cause why the action should not be dismissed for lack of prosecution and allowed Plaintiff to respond by showing timely service or good cause for failing to serve Defendant.

PROCEDURAL HISTORY

Plaintiff filed a complaint against F21 Opco LLC. The court determined that Plaintiff had not filed proof of service within the 90-day period prescribed by Federal Rule of Civil Procedure 4(m), ordered Plaintiff to show cause by June 25, 2025, and stated that failure to respond would be deemed consent to dismissal.

DISPOSITION

other

CASES CITED

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

OPINION

Alejandro Gonzalez v. F21 Opco LLC

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. CV 25-01909-SK Date: June 11, 2025 Title Alejandro Gonzalez v. F21 Opco LLC
Present: The Honorable: Steve Kim, United States Magistrate Judge Connie Chung n/a Deputy
Clerk Court Reporter / Recorder Attorneys Present for Plaintiff(s): Attorneys Present for
Defendant(s): None present None present Proceedings: (IN CHAMBERS) ORDER TO SHOW
CAUSE RE: DISMISSAL
FOR LACK OF PROSECUTION

For the reason indicated below, Plaintiff is ordered to show cause on or before June 25, 2025 why this case should not be dismissed for lack of prosecution. *Link v. Wabash R. Co.*, 370 U.S. 626 (1962) (Court has inherent power to dismiss for lack of prosecution on its own motion). Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a Defendant within 90 days after the complaint is filed. Plaintiff has failed to file a proof of service within 90 days of the filing of the Complaint on Defendant F21 Opco LLC. Plaintiff can satisfy this order by showing that service was effectuated within the 90 day deadline or by showing good cause for the failure to do so. Fed. R. Civ. P. 4(m). Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of Plaintiff's response. Failure to respond to this Order to Show Cause will be deemed consent to the dismissal of the action. IT IS SO ORDERED.