

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Keir Lynn Ramos v. City of Upland, Dylan J Bartley, Ryan W Chen

No. EDCV 25-01820-KK-SSC, United States District Court for the Central District of California (October 22, 2025)

SUMMARY

The United States District Court for the Central District of California ordered plaintiff Keir Lynn Ramos to show cause why the action should not be dismissed for failure to prosecute. The court found that defendants' time to respond to the amended complaints had expired and that plaintiff had not timely sought entry of default. The court warned that failure to respond within seven days would result in dismissal without prejudice under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Kenly Kiya Kato
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 22, 2025
DOCKET	EDCV 25-01820-KK-SSC
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued a sua sponte order to show cause why the action should not be dismissed without prejudice for failure to prosecute and failure to comply with court orders.
PRECEDENTIAL VALUE	Unpublished district court order with no reported citation; precedential status is unknown.
PARTIES	Keir Lynn Ramos v. City of Upland, Dylan J Bartley, Ryan W Chen

TOPICS

- default
- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether plaintiff's failure to seek timely entry of default and failure to prosecute warranted an order to show cause why the action should not be dismissed without prejudice.

HOLDINGS

1. A plaintiff has a duty to prosecute the action with reasonable diligence and, when defendants have failed to plead or otherwise defend, should timely seek entry of default.
2. The court did not immediately dismiss the action; instead, it ordered plaintiff to show cause within seven days and warned that failure to respond would result in dismissal without prejudice as to defendants.

KEY QUOTATIONS

“A plaintiff has the duty to prosecute their case with “reasonable diligence.”” (Order to Show Cause)

“Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing no later than seven days from the date of this Order why this action should not be dismissed for lack of prosecution.” (Order to Show Cause)

FACTUAL BACKGROUND

Plaintiff filed amended complaints against City of Upland, Dylan J. Bartley, and Ryan W. Chen on August 19, 2025. The court determined that defendants' latest response deadline was September 3, 2025. Plaintiff had not sought entry of default for more than 45 days after that deadline.

PROCEDURAL HISTORY

Plaintiff filed amended complaints against the defendants on August 19, 2025. The court determined that defendants' responses were due no later than September 3, 2025, and that plaintiff had not timely sought entry of default more than 45 days later. The court ordered plaintiff to show cause in writing within seven days why the action should not be dismissed.

DISPOSITION

other

CASES CITED

- Anderson v. Air West, Inc., 542 F.2d 522, 524 (9th Cir. 1976)

OPINION

Keir Lynn Ramos v. City of Upland, Dylan J Bartley, Ryan W Chen
PER CURIAM.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. EDCV 25-01820-KK-SSCx Date: October 22, 2025 Title: Present: The Honorable KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE Twyla Freeman Not Reported Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Present None Present Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute A plaintiff has the duty to prosecute their case with “reasonable diligence.” *Anderson v. Air West, Inc.*, 542 F.2d 522, 524 (9th Cir. 1976). To that end, “[w]hen a party against whom a judgment for affirmative relief has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise,” Fed. R. Civ. P. 55(a), the plaintiff should seek entry of default in a timely manner. Here, it appears plaintiff Keir Lynn Ramos (“Plaintiff”) has not timely sought entry of default. On August 19, 2025, Plaintiff filed amended complaints against defendants City of Upland, Dylan J Bartley, or Ryan W Chen (“Defendants”). Dkt. 14. Defendants thus had—at the latest— until September 3, 2025, to respond. See Fed. R. Civ. P. 15(a)(3). Hence, Plaintiff has failed to seek entry of default for over 45 days. Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing no later than seven days from the date of this Order why this action should not be dismissed for lack of prosecution. Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice as to Defendants for failure to prosecute and comply with court orders. See Fed. R. Civ. P. 41(b). IT IS SO ORDERED.