

**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).

OPINION

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.

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