

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Moshik Nadav, et al. v. Rio Beauty Lounge, Inc., et al.

Nadav v. Rio Beauty Lounge · No. 2:25-cv-08641-AB (RAOx) · Decided December 11, 2025

SUMMARY

This is an order to show cause issued by the United States District Court for the Central District of California regarding dismissal for lack of prosecution. The court ordered the plaintiffs to respond by December 19, 2025 because they obtained entry of default against Rio Beauty Lounge, Inc. but had not sought default judgment under Federal Rule of Civil Procedure 55(b).

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	André Birotte Jr.
DECIDED	December 11, 2025
DOCKET	2:25-cv-08641-AB (RAOx)
DISPOSITION	other
PROCEDURAL POSTURE	The district 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 Rio Beauty Lounge, Inc. but did not seek default judgment.
PRECEDENTIAL VALUE	unpublished
PARTIES	Moshik Nadav, et al. v. Rio Beauty Lounge, Inc., et al.

TOPICS

- default judgment default civil procedure

PRACTICE AREAS

- civil procedure commercial litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed sua sponte for lack of prosecution.

2. Whether Plaintiff should be required to seek default judgment or notify the court that default judgment would not be sought after obtaining entry of default.

HOLDINGS

1. A district court has inherent authority to dismiss an action sua sponte for lack of prosecution.

KEY QUOTATIONS

“Court has inherent power to dismiss for lack of prosecution on its own motion” (Order to Show Cause)

FACTUAL BACKGROUND

Plaintiff obtained entry of default against Defendant Rio Beauty Lounge, Inc. Plaintiff had not moved for default judgment. The court also determined that an applicable time period had not been met and required Plaintiff to show cause why the action should not be dismissed for lack of prosecution.

PROCEDURAL HISTORY

Plaintiff obtained entry of default against Rio Beauty Lounge, Inc. under Federal Rule of Civil Procedure 55(a). Plaintiff had not sought default judgment under Rule 55(b). The court ordered Plaintiff to respond in writing by December 19, 2025, either by seeking default judgment or notifying the court that default judgment would not be sought, in which event the clerk would close the matter.

DISPOSITION

other

CASES CITED

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

OPINION

Moshik Nadav, et al. v. Rio Beauty Lounge, Inc., et al.

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: 2:25-cv-08641-AB (RAOx) Date: December 11, 2025 Title: Moshik Nadav, et al. v. Rio Beauty Lounge, Inc., et al. Present: The Honorable ANDRÉ BIROTTE JR., United States District Judge Evelyn Chun N/A Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Appearing None Appearing Proceedings: [In Chambers] Order To Show Cause Re: Dismissal for Lack of Prosecution Plaintiff is ORDERED to show cause 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). The below time period(s) has not been met. Accordingly, the Court, on its own motion, orders Plaintiff to show cause, in writing, on or before December 19, 2025, why this action should not be dismissed for lack of prosecution. This matter will stand submitted upon the filing of Plaintiff's response. See Fed. R. Civ. P. 78. Failure to respond will be deemed consent to the dismissal of the action. ☒ Plaintiff obtained entry of default as to Defendant Rio Beauty Lounge, Inc. (Dkt. 14), pursuant to Fed. R. Civ. P. 55(a), but Plaintiff has not sought default judgment, pursuant to Fed. R. Civ. P. 55(b). Plaintiff can satisfy this order by seeking default judgment or by notifying the Court that default judgment will not be sought, at which point the clerk will close this matter. IT IS SO ORDERED.