

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Marley West v. Equifax, et al.

Marley West · No. CV 25-7445 FMO (MAAx) · Decided October 30, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause regarding possible dismissal for lack of prosecution in Marley West v. Equifax, et al. The order addresses the deadlines for service, responsive pleadings, and potential dismissal under Federal Rules of Civil Procedure 4(m), 12(a), and 41(b), requiring a written response by November 6, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 30, 2025
DOCKET	CV 25-7445 FMO (MAAx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued a sua sponte order to show cause why the action should not be dismissed for lack of prosecution based on the apparent failure to timely serve defendants or obtain responsive pleadings.
PRECEDENTIAL VALUE	Unknown; district court order to show cause with no reported citation.
PARTIES	Marley West v. Equifax, Experian, Continental Credit Control, LVNV Funding LLC

TOPICS

- service of process
- default
- civil procedure

PRACTICE AREAS

- civil procedure
- consumer protection

QUESTIONS PRESENTED

1. Whether the action should be dismissed for lack of prosecution because plaintiff failed to timely serve the summons and complaint or obtain responsive pleadings.
2. Whether plaintiff should be required to show cause why the action should not be dismissed without prejudice under the applicable Federal Rules of Civil Procedure and local rules.

HOLDINGS

1. 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.
2. The court may dismiss an action before the expiration of the 90-day service period when the plaintiff has not diligently prosecuted the action.
3. Generally, a defendant must answer the complaint within 21 days after service, subject to the longer period applicable when the defendant is the United States.

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.” (Order to Show Cause)

“Failure to file a timely response to this Order to Show Cause shall result in the action or the above defendant(s) being dismissed for lack of prosecution and for failure to comply with the orders of the court.”
(Order to Show Cause)

FACTUAL BACKGROUND

The action was filed against Equifax, Experian, Continental Credit Control, and LVNV Funding LLC. The court determined that it appeared one or more defendants had not been timely served or had not timely responded. The court therefore required plaintiff to demonstrate good cause and prosecution of the action.

PROCEDURAL HISTORY

Plaintiff filed the action but, according to the court, one or more applicable service or response deadlines appeared not to have been met. The court ordered plaintiff to show cause in writing by November 6, 2025, and stated that the matter would be submitted upon filing proof of service, an answer, or an application for entry of default.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S. Ct. 1386, 1388 (1962)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL No. CV 25-7445 FMO (MAAx) Date October 30, 2025 Title Marley West v. Equifax, et al. Present: The Honorable Fernando M. Olguin, United States District Judge Vanessa Figueroa None Present Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present Proceedings: (In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution 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.

Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a). The court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action. With respect to service of individuals and/or business entities in a foreign country, plaintiff shall exercise all reasonable diligence and attempt service within the 90-day time period.

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before November 6, 2025, why this action should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), 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: X Proof(s) of service of summons and complaint on the following defendant(s): EQUIFAX, EXPERIAN, CONTINENTAL CREDIT CONTROL, LVNV FUNDING LLC X An answer by the following defendant(s): EQUIFAX, EXPERIAN, CONTINENTAL CREDIT CONTROL, LVNV FUNDING LLC Oo Plaintiff's application for entry of default pursuant to Fed.

R. Civ. P. 55(a): on or before the date indicated above. Failure to file a timely response to this Order to Show Cause shall result in the action or the above defendant(s) being dismissed for lack of prosecution and for failure to comply with the orders of the court. See Local Rule 41; Fed. R. Civ. P. 4 & 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct.

1386, 1388 (1962). Initials of Preparer vdr