

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Samuel A. Burnette v. Riverside County DCSS

Burnette · No. EDCV 24-01832-SRM (PVCx) · Decided May 8, 2025

SUMMARY

The United States District Court for the Central District of California continued the deadline for Samuel A. Burnette to respond to an order to show cause regarding dismissal for lack of prosecution. The court extended the response deadline to July 3, 2025, and warned that failure to respond timely and appropriately could result in dismissal without further notice.

CASE DETAILS

|                       |                                                                                                                               |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                           |
| WRITING FOR THE COURT | Serena R. Murillo                                                                                                             |
| JURISDICTION          | United States District Court for the Central District of California                                                           |
| DECIDED               | May 8, 2025                                                                                                                   |
| DOCKET                | EDCV 24-01832-SRM (PVCx)                                                                                                      |
| DISPOSITION           | other                                                                                                                         |
| PROCEDURAL POSTURE    | Order continuing the deadline for plaintiff to respond to an order to show cause regarding dismissal for lack of prosecution. |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                               |

TOPICS

civil procedure default

PRACTICE AREAS

civil procedure remedies

QUESTIONS PRESENTED

- Whether the deadline for plaintiff to respond to the order to show cause regarding dismissal for lack of prosecution should be continued.
- Whether failure to respond to the order to show cause could permit sua sponte dismissal under Federal Rule of Civil Procedure 41(b).

## HOLDINGS

1. The court continued the deadline for plaintiff to respond to the order to show cause to July 3, 2025.
2. Failure to file a timely and appropriate response may result in dismissal for lack of prosecution without further notice or order from the court.

## KEY QUOTATIONS

*“Failure to file a timely and appropriate response to this Order may result in dismissal without further notice or order from the court.”*

*“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.”*

*“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.”*

*“It is within the inherent power of the court to sua sponte dismiss a case for lack of prosecution.”*

## FACTUAL BACKGROUND

The opinion contains no substantive merits facts about the underlying dispute. The material procedural facts are that the court had issued an order to show cause concerning dismissal for lack of prosecution and plaintiff responded by seeking additional time and moving for default.

## PROCEDURAL HISTORY

On April 23, 2025, the court issued an order to show cause regarding dismissal for lack of prosecution. On May 5, 2025, plaintiff filed a motion for an extension of time to file stipulations to extend time to respond and a motion for default against all defendants. The court continued the response deadline to July 3, 2025 and warned that failure to respond timely and appropriately could result in dismissal without further notice or order.

## DISPOSITION

other

## CASES CITED

- Link v. Wabash R.R., 370 U.S. 626, 629 (1962)
- Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Ash v. Cvetkov, 739 F.2d 493, 496 (9th Cir. 1984)

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