

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PRECEDENTIAL VALUE	nonprecedential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)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL Case No. EDCV 24-01832-SRM (PVCx) Date May 8, 2025 _Samuel A. Bumette v_ Riverside County DCSS etal Present: The Honorable SERENA R. MURILLO, UNITED STATES DISTRICT JUDGE Melissa H. Kunig Not Reported Deputy Clerk Court

Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present PROCEEDINGS: (IN CHAMBERS) ORDER CONTINUING ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION On April 23, 2025, the Court issued an Order to Show Cause re Dismissal for Lack of Prosecution [32].

On May 5, 2025, Plaintiff filed a Motion for Extension of Time to File Stipulations to Extend Time to Respond and Motion for Default Against All Defendants [33]. In light of the Plaintiff's response and the reasons contained therein, the Court hereby CONTINUES the deadline for Plaintiff to respond to the Court's Order to Show Cause to July 3, 2025. No oral argument of this matter will be heard unless ordered by the Court.

The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiffs is due. Failure to file a timely and appropriate response to this Order may result in dismissal without further notice or order from the court. See Fed. R. Civ. P. 41(b); L. R. 41-6; *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962) ("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."); *Hells Canyon Pres.*

Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005) ("[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances."); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) ("It is within the inherent power of the court to sua sponte dismiss a case for lack of prosecution."). Any further requests for a continuance in this matter are strongly disfavored.

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