

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Majda Car v. Discover Financial Services, Inc., et al.

Majda Car · No. CV 25-10559-MWF(KSx) · Decided January 9, 2026

SUMMARY

The United States District Court for the Central District of California ordered the parties to show cause why the action should not be dismissed for lack of prosecution after Defendant Discover Financial Services, Inc. had been served but had not timely responded. The court also struck Plaintiff’s Notice of Doe Amendment and directed that any new defendants be added through an amended complaint under Federal Rule of Civil Procedure 15.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 9, 2026
DOCKET	CV 25-10559-MWF(KSx)
DISPOSITION	other
PROCEDURAL POSTURE	The plaintiff filed a civil action and later filed a notice purporting to amend the complaint by adding Doe defendants. The district court struck the notice, issued an order to show cause regarding lack of prosecution based on the served defendant's failure to respond, and directed the parties to take specified steps by January 30, 2026.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Majda Car v. Discover Financial Services, Inc., et al.

TOPICS

- motion to amend
- pleadings
- default
- civil procedure
- commercial litigation

PRACTICE AREAS

- Civil procedure
- Federal pleadings
- Debt collection litigation

QUESTIONS PRESENTED

1. Whether plaintiff could add new Doe defendants by filing a notice rather than an amended complaint under Federal Rule of Civil Procedure 15.
2. Whether plaintiff should be required to show cause why the action should not be dismissed for lack of prosecution based on the served defendant's failure to respond and plaintiff's failure to seek entry of default.

HOLDINGS

1. A plaintiff seeking to add new defendants in federal court must do so through an amended complaint in accordance with Federal Rule of Civil Procedure 15; a notice of Doe amendment is not the proper procedural vehicle.
2. The plaintiff was ordered to show cause why the action should not be dismissed for lack of prosecution and was directed either to obtain a response from the defendant through an extension stipulation or to apply for entry of default against a properly served defendant that had not timely responded.

KEY QUOTATIONS

“The “proper method of adding new parties in the federal courts is found in Rule 15.”” (page 2)

“If Plaintiff wants to add new defendants to this action, Plaintiff must do so by way of an amended complaint, in accordance with Federal Rule of Civil Procedure 15.” (page 2)

FACTUAL BACKGROUND

Plaintiff filed the complaint on November 3, 2025, and filed proof of personal service showing service of the summons and complaint on Discover Financial Services, Inc. on November 14, 2025. The defendant's response was therefore due by December 5, 2025, but the order reflects that no response had been filed. Plaintiff subsequently filed a Notice of Doe Amendment on January 7, 2026, without filing an amended complaint.

PROCEDURAL HISTORY

The complaint was filed on November 3, 2025. Discover Financial Services, Inc. was allegedly personally served on November 14, 2025, but had not responded by the December 5, 2025 deadline. On January 7, 2026, plaintiff filed a Notice of Doe Amendment. The court struck that notice and ordered plaintiff to show cause why the action should not be dismissed for lack of prosecution, warning that failure to respond by January 30, 2026, would result in dismissal.

DISPOSITION

other

CASES CITED

- Fifty Associates v. Prudential Life Ins. Co. of America, 446 F.2d 1187, 1191 (9th Cir. 1970)

OPINION

Majda Car v. Discover Financial Services, Inc., et al.

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. CV 25-10559-MWF(KSx) Date: January 09, 2026 Title Majda Car v. Discover Financial Services, Inc., et al. Present: The Honorable: MICHAEL W. FITZGERALD, United States District Judge Rita Sanchez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: Not Present Not Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE; ORDER STRIKING

PLAINTIFF’S NOTICE OF DOE AMENDMENT [11]

A review of the docket in this action reflects that the Complaint was filed on November 3, 2025. (Docket No. 1). On November 20, 2025, Plaintiff filed a Proof of Service (the “POS”) of the summons and Complaint on Defendant Discover Financial Services, Inc. (“Defendant”). The POS reflected personal service on Defendant on November 14, 2025; thus, Defendant’s response to the Complaint was due no later than December 5, 2025. The Court ORDERS Plaintiff to show cause why this action should not be dismissed for lack of prosecution. In response to this Order to Show Cause, the Court will accept the following no later than JANUARY 30, 2026. By Defendant: Response to the Complaint. The parties may also file an appropriate stipulation to extend the time within which Defendant must respond to the Complaint. OR By Plaintiff: Application to the Clerk to Enter Default as to properly served Defendant who has not timely responded to the Complaint. On January 7, 2026, Plaintiff filed a Notice of Doe Amendment (the “Notice”). (Docket No. 11). The “proper method of adding new parties in the

CIVIL MINUTES – GENERAL

Case No. CV 25-10559-MWF(KSx) Date: January 09, 2026 Title Majda Car v. Discover Financial Services, Inc., et al. federal courts is found in Rule 15.” See *Fifty Associates v. Prudential Life Ins. Co. of America*, 446 F.2d 1187, 1191 (9th Cir. 1970). Accordingly, Plaintiff’s Notice is STRICKEN. If Plaintiff wants to add new defendants to this action, Plaintiff must do so by way of an amended complaint, in accordance with Federal Rule of Civil Procedure 15. No oral argument on this matter will be heard unless otherwise ordered by the Court. See Fed. R. Civ. P. 78; Local Rule 7-15. The Order will stand submitted upon the filing of the response to the Order to Show Cause. Failure to respond to the Order to Show Cause by JANUARY 30, 2026, will result in the dismissal of this action. IT IS SO ORDERED.