

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Industrial Realty Group, LLC v. International Realty Group

No. CV 25-2478 FMO (JCx), United States District Court for the Central District of California (June 6, 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. The court directed the plaintiff to file proof of service or an answer by June 13, 2025, and warned that failure to respond could result in dismissal without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
DECIDED	June 6, 2025
DOCKET	CV 25-2478 FMO (JCx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court sua sponte issued an order to show cause why the action should not be dismissed for lack of prosecution based on the apparent failure to timely serve the defendants and obtain answers.
STANDARD OF REVIEW	The court acted on its own motion under Federal Rule of Civil Procedure 41(b) and the court's inherent authority to manage its docket.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- service of process
- civil procedure
- default

PRACTICE AREAS

- civil procedure
- service of process
- commercial litigation

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice for lack of prosecution because the summons and complaint may not have been served within 90 days.

2. Whether the plaintiff should be required to show cause and submit proof of service or defendants' answers before dismissal.
3. Whether the matter was appropriate for submission without oral argument under Federal Rule of Civil Procedure 78(b).

HOLDINGS

1. Absent a showing of good cause, an action may be dismissed without prejudice when 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 expiration of the 90-day service period when the plaintiff has not diligently prosecuted the action.
3. A defendant generally must answer within 21 days after service, or within 60 days if 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.” (unpaginated)

“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.” (unpaginated)

FACTUAL BACKGROUND

The action was pending in the Central District of California, and the court concluded that one or more applicable service or answer deadlines appeared not to have been met. The court specifically noted the possibility that service had not occurred within 90 days after filing and that defendants may not have answered within the applicable period. The court therefore required plaintiff to demonstrate good cause and provide proof of service or answers.

PROCEDURAL HISTORY

Plaintiff filed this civil action, but the court determined that the record appeared not to show timely service of the summons and complaint or timely answers. The court ordered plaintiff to show cause in writing by June 13, 2025, and directed plaintiff to file proofs of service or defendants' answers by that date.

DISPOSITION

other

CASES CITED

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

OPINION

Industrial Realty Group, LLC v. International Realty Group

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 25-2478 FMO (JCx) Date June 6, 2025 Title Industrial Realty Group, LLC v. International Realty Group 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 June 13, 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):

ALL DEFENDANTS

X An answer by the following defendant(s): ALL DEFENDANTS 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). 00 : 00 Initials of Preparer vdr