

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PRECEDENTIAL VALUE	nonprecedential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)

