

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

William Redick v. FAVO Capital Inc.

Redick · No. 1:25-cv-00880-JLT-CDB · Decided October 16, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 WILLIAM REDICK, individually and on Case No. 1:25-cv-00880-JLT-
CDB behalf of all others similarly situated, 12 ORDER TO SHOW CAUSE WHY Plaintiff,
SANCTIONS SHOULD NOT BE IMPOSED 13 FOR PLAINTIFF’S FAILURE TO v.
PROSECUTE THIS ACTION AND TO 14 COMPLY WITH THE COURT’S ORDERS FAVO
CAPITAL INC, 15 ORDER CONTINUING THE OCTOBER 21, Defendant.

2025, MANDATORY SCHEDULING 16 CONFERENCE 17 ORDER DIRECTING PLAINTIFF
TO EFFECT SERVICE OF THIS ORDER AND 18 TO FILE PROOF OF SERVICE 19 FIVE (5)-
DAY DEADLINE 20 21 Plaintiff William Redick (“Plaintiff”), initiated this action with the filing
of a complaint on 22 July 18, 2025. (Doc. 1).

On July 21, 2025, the Clerk of the Court issued summons for service 23 upon Defendant FAVO
Capital INC (“Defendant”), and the Court entered an order setting a 24 mandatory scheduling
conference for October 21, 2025. (Docs. 2, 3).

The Court’s order directed 25 Plaintiff to “diligently pursue service of summons and complaint”
and “promptly file proofs of 26 service.” (Doc. 3 at 1). Regarding scheduling of the case, the
Court’s order also directed the 27 parties to file a scheduling report at least one week in advance
of the scheduling conference (e.g., 28 no later than October 14, 2025).

Id. at 2. The order further advised Plaintiff that failure to 1 diligently prosecute this action “may
result in the imposition of sanctions, including the dismissal 2 of unserved defendants.” Id. 3
Notwithstanding the Court’s order, to date, Plaintiff has not filed proofs of service nor any 4 report
setting forth an explanation for the failure, and no Defendant has appeared in the action.

5 Moreover, Plaintiff has failed to comply with the Court’s order to timely file a scheduling report
6 in advance of the scheduling conference. 7 Local Rule 110 provides that “[f]ailure of counsel or
of a party to comply with these Rules 8 or with any order of the Court may be grounds for
imposition by the Court of any and all 9 sanctions...within the inherent power of the Court.” The
Court has the inherent power to control 10 its docket and may, in the exercise of that power,
impose sanctions where appropriate, including 11 dismissal of the action.

Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000). 12 In addition, Rule 4(m) of the Federal Rules of Civil Procedure provides: “If a defendant is 13 not served within 90 days after the complaint is filed, the court - on motion or on its own after 14 notice to the plaintiff - must dismiss the action without prejudice against that defendant or order 15 that service be made within a specified time.” Fed.

R. Civ. P. 4(m). Absent a showing of good 16 cause, failure to comply with Rule 4(m) requires dismissal of any unserved defendant. 17 Conclusion and Order 18 Based on the foregoing, IT IS HEREBY ORDERED that within five (5) days of entry of 19 this order, Plaintiff SHALL show cause in writing why sanctions should not be imposed— 20 including dismissal of any unserved Defendant or this action in its entirety—for Plaintiff’s failure 21 to prosecute, failure to serve the summons and complaint in a timely manner, failure to promptly 22 file proof of service, and failure to timely file a scheduling report.

Filing summons returned 23 executed following entry of this order WILL NOT relieve Plaintiff of his obligation to respond to 24 this order in writing. 25 IT IS FURTHER ORDERED that the scheduling conference previously set for October 21, 26 2025, is CONTINUED to December 4, 2025, at 9:30 AM. 27 And IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this order on 28 Defendant within five (5) days of entry of this order and promptly file proof of service thereof.

1 Any failure by Plaintiff to timely respond to this order will result in the imposition of 2 || sanctions, including a recommendation to dismiss this action. 3 || IT IS SO ORDERED. Dated: _ October 16, 2025 | Mwnn D RX 5 UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28