

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

BackGrid USA, Inc., et al. v. Claire Eze, et al.

BackGrid USA · No. CV 25-3473 FMO (AJRx) · Decided July 9, 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 plaintiffs to file proofs of service, answers, or an application for entry of default by July 16, 2025, and warned that failure to respond could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 9, 2025
DOCKET	CV 25-3473 FMO (AJRx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court 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 or seek entry of default.
PRECEDENTIAL VALUE	unknown

TOPICS

- service of process
- default
- civil procedure

PRACTICE AREAS

- civil procedure
- copyright

QUESTIONS PRESENTED

- Whether the plaintiffs should be required 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 responsive

pleadings or entry of default.

HOLDINGS

1. Absent good cause, an action may be dismissed without prejudice when the summons and complaint are not served within 90 days after filing, and the court may dismiss earlier when the plaintiff has not diligently prosecuted the action.

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.”

“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.”

FACTUAL BACKGROUND

The plaintiffs filed a complaint, but the record appeared to show that one or more defendants had not been served within the applicable period. The record also appeared to show that one or more defendants had not answered or that plaintiffs had not sought entry of default. The court therefore initiated an order-to-show-cause process concerning prosecution of the action.

PROCEDURAL HISTORY

BackGrid USA, Inc. and additional plaintiffs filed a civil action against Claire Eze and additional defendants. The court determined that the applicable service and responsive-pleading periods appeared not to have been met and ordered the plaintiffs to show cause in writing by July 16, 2025. The matter was submitted without oral argument, subject to filing proofs of service, answers, or an application for entry of default.

DISPOSITION

other

CASES CITED

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