

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Clifford Harris v. Sabrina D. Peterson

No. CV 24-10781 FMO (RAOx), United States District Court for the Central District of California (March 6, 2025)

SUMMARY

This document is an order to show cause issued by the United States District Court for the Central District of California regarding possible dismissal for lack of prosecution. The court directs the plaintiff to file proof of service, an answer, or an application for entry of default concerning Sabrina D. Peterson by March 13, 2025, and warns that failure to respond may result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
DECIDED	March 6, 2025
DOCKET	CV 24-10781 FMO (RAOx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause sua sponte concerning dismissal for lack of prosecution because the record indicated that service, an answer, or an application for entry of default may not have been timely filed.
PRECEDENTIAL VALUE	Unpublished district court order to show cause; limited precedential value.
PARTIES	Clifford Harris v. Sabrina D. Peterson

TOPICS

- service of process
- default
- civil procedure

PRACTICE AREAS

- civil procedure
- service of process
- failure to prosecute

QUESTIONS PRESENTED

1. Whether the plaintiff 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 defendant, obtain an answer, or seek entry of default.
2. What deadlines and procedural requirements govern service, responsive pleadings, and dismissal for failure to prosecute.

HOLDINGS

1. Absent good cause, an action must be dismissed without prejudice when the summons and complaint are not served within 90 days after the complaint is filed, and the court may dismiss earlier when the plaintiff has not diligently prosecuted the action.
2. A defendant generally must answer within 21 days after service, or within 60 days when the defendant is the United States.
3. When service is directed to individuals or business entities in a foreign country, the plaintiff must exercise all reasonable diligence and attempt service within the 90-day period.

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.” (at 1)

“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.” (at 1)

FACTUAL BACKGROUND

The plaintiff had filed an action against Sabrina D. Peterson, but the court's review indicated that one or more applicable deadlines concerning service of the summons and complaint, responding to the complaint, or seeking entry of default had not been met. The court therefore required a written showing of good cause and identified the filings necessary to avoid dismissal.

PROCEDURAL HISTORY

The action was pending in the Central District of California. The court ordered the plaintiff to show cause in writing by March 13, 2025, why the action should not be dismissed for lack of prosecution and directed the filing of proof of service, an answer, or an application for entry of default as applicable.

DISPOSITION

other

CASES CITED

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

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