

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PRECEDENTIAL VALUE	Unpublished district court order to show cause; limited precedential value.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)

OPINION

Clifford Harris v. Sabrina D. Peterson

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

CV 24-10781 FMO (RAOx) Date March 6, 2025 Title Clifford Harris v. Sabrina D. Peterson
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 March 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: Proof(s) of service of
summons and complaint on the following defendant(s): Sabrina D. Peterson An answer by the
following defendant(s): Sabrina D. Peterson 7 Plaintiff's application for entry of default pursuant
to Fed. R. Civ. P. 55(a): Sabrina D. Peterson 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