

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Ajay Suresh v. Home Alliance, Inc.

Ajay Suresh · No. 2:25-cv-05531-SVW-MAR · Decided July 8, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause why the action should not be dismissed for lack of prosecution. The court noted that Defendant Home Alliance, Inc. had not answered the complaint and directed Plaintiff to seek entry of default under Federal Rule of Civil Procedure 55(a) or dismiss the complaint by July 22, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 8, 2025
DOCKET	2:25-cv-05531-SVW-MAR
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why the action should not be dismissed for lack of prosecution after the defendant failed to answer and the plaintiff failed to seek entry of default.
PRECEDENTIAL VALUE	Unknown

TOPICS

- default
- civil procedure
- commercial litigation

PRACTICE AREAS

- Civil procedure
- Copyright litigation

QUESTIONS PRESENTED

1. Whether the court should require the plaintiff to show cause why the action should not be dismissed for lack of prosecution.

2. Whether the plaintiff's failure to seek entry of default after the defendant failed to answer warranted an order to show cause.

HOLDINGS

1. The court may invoke its inherent power to dismiss an action for lack of prosecution on its own motion and may require the plaintiff to show cause why dismissal should not occur.

KEY QUOTATIONS

“Court has inherent power to dismiss for lack of prosecution on its own motion”

“Failure to respond will be deemed consent to the dismissal of the action.”

FACTUAL BACKGROUND

Home Alliance, Inc. had not answered the complaint. The plaintiff had also failed to request entry of default under Federal Rule of Civil Procedure 55(a). The court therefore initiated an order-to-show-cause process concerning dismissal for lack of prosecution.

PROCEDURAL HISTORY

The plaintiff filed a copyright action against Home Alliance, Inc. The defendant had not answered, and the plaintiff had not requested entry of default under Federal Rule of Civil Procedure 55(a). The court ordered the plaintiff to respond in writing by July 22, 2025, stating that the case could be dismissed for lack of prosecution if the plaintiff failed to respond.

DISPOSITION

other

CASES CITED

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

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No.: 2:25-cv-05531-SVW-MAR Date: July 8, 2025 Title: Ajay Suresh v. Home Alliance, Inc. Present: The Honorable STEPHEN V. WILSON, United States District Judge Daniel Tamayo N/A Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Appearing None Appearing Proceedings: [In Chambers] Order To Show Cause Re: Dismissal for Lack of Prosecution Plaintiff(s) are ORDERED to show cause why this case should not be dismissed for lack of prosecution.

Link v. Wabash R. Co., 370 U.S. 626 (1962) (Court has inherent power to dismiss for lack of prosecution on its own motion). The below time period(s) has not been met. Accordingly, the

Court, on its own motion, orders Plaintiff(s) to show cause, in writing, on or before July 22, 2025, why this action should not be dismissed for lack of prosecution. This matter will stand submitted upon the filing of Plaintiff(s) response.

See Fed. R. Civ. P. 78. Failure to respond will be deemed consent to the dismissal of the action. ☒ Defendant(s) Home Alliance, Inc. did not answer the complaint, yet Plaintiff(s) have failed to request entry of default, pursuant to Fed. R. Civ. P. 55(a). Plaintiff(s) can satisfy this order by seeking entry of default or by dismissing the complaint. IT IS SO ORDERED.