

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Sam Benford v. Legend Auto Works Inc. et al

No. 2:25-cv-05795-SVW-JPR, United States District Court for the Central District of California (October 8, 2025)

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the action should not be dismissed for lack of prosecution. The order notes that defaults were entered against Legend Auto Works Inc. and 1850 Del Mar, LLC, but that the plaintiff had not sought default judgment, and directs the plaintiff to respond by October 17, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
DECIDED	October 8, 2025
DOCKET	2:25-cv-05795-SVW-JPR
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 Plaintiff obtained entry of default against Legend Auto Works Inc. and 1850 Del Mar, LLC but did not seek default judgment.
PRECEDENTIAL VALUE	Unknown
PARTIES	Sam Benford v. Legend Auto Works Inc., 1850 Del Mar, LLC

TOPICS

- default judgment
- default
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation
- commercial

QUESTIONS PRESENTED

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

2. Whether Plaintiff's failure to seek default judgment after obtaining entry of default warranted a response directing Plaintiff either to seek default judgment or advise that default judgment would not be sought.

HOLDINGS

1. A federal district court may exercise its inherent authority to dismiss an action for lack of prosecution on its own motion, subject to providing the affected party an opportunity to respond.
2. Because Plaintiff obtained entry of default but had not sought default judgment, Plaintiff could satisfy the order to show cause by seeking default judgment or notifying the court that default judgment would not be sought.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

Plaintiff obtained entry of default against Legend Auto Works Inc. and 1850 Del Mar, LLC under Federal Rule of Civil Procedure 55(a). Plaintiff did not seek default judgment under Rule 55(b). The district court therefore ordered Plaintiff to show cause why the action should not be dismissed for lack of prosecution.

PROCEDURAL HISTORY

Plaintiff obtained entry of default against two defendants under Federal Rule of Civil Procedure 55(a). Plaintiff had not sought default judgment under Rule 55(b), and the court determined that applicable time periods had not been met. The court ordered Plaintiff to respond by October 17, 2025, either by seeking default judgment or notifying the court that default judgment would not be sought.

DISPOSITION

other

CASES CITED

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

OPINION

Sam Benford v. Legend Auto Works Inc. et al

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: 2:25-cv-05795-SVW-JPR Date: October 8, 2025 Title: Sam Benford v. Legend Auto Works Inc. et al 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 October 17, 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. ☒ Plaintiff(s) obtained entry of default as to Defendant(s) LEGEND AUTO WORKS INC. and 1850 DEL MAR, LLC, pursuant to Fed. R. Civ. P. 55(a), but Plaintiff(s) have not sought default judgment, pursuant to Fed. R. Civ. P. 55(b). Plaintiff(s) can satisfy this order by seeking default judgment or by notifying the Court that default judgment will not be sought, at which point the clerk will close this matter. IT IS SO ORDERED.