

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Jeremy Holland v. Joshua Hidalgo

Case No. 2:25-cv-02595-MAR (C.D. Cal. Sept. 11, 2025) · No. 2:25-cv-02595-MAR · Decided September 11, 2025

SUMMARY

The court ordered Plaintiff Jeremy Holland to file a motion for default judgment or show cause why he had not done so. The order warned that failure to respond by October 2, 2025, could result in dismissal without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Margo A. Rocconi
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	September 11, 2025
DOCKET	2:25-cv-02595-MAR
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why the action should not be dismissed without prejudice for failure to prosecute and failure to comply with court orders.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district court order

TOPICS

default judgment default civil procedure

PRACTICE AREAS

civil procedure civil rights

QUESTIONS PRESENTED

- Whether the court may sua sponte require Plaintiff to seek default judgment or explain his failure to do so under Federal Rule of Civil Procedure 41(b).

2. Whether Plaintiff's failure to move for default judgment for more than two months appeared to constitute a lack of reasonable diligence warranting an order to show cause.

HOLDINGS

1. Federal Rule of Civil Procedure 41(b) authorizes the court to sua sponte dismiss an action for failure to prosecute or failure to comply with court orders.
2. A plaintiff must prosecute the case with reasonable diligence to avoid dismissal under Rule 41(b).

KEY QUOTATIONS

“Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice as to one or more defendant(s) for failure to prosecute and comply with court orders.”

FACTUAL BACKGROUND

Plaintiff filed a complaint against Joshua Hidalgo, Oscar Desiderio Fuastino, and Doe defendants. The served defendants failed to answer, and defaults were entered, but Plaintiff did not seek default judgment for more than two months after the defaults were entered.

PROCEDURAL HISTORY

Plaintiff filed the action on March 25, 2025, and served the defendants on May 19, 2025. After the defendants failed to answer, the Clerk entered defaults on June 10 and June 26. Plaintiff did not move for default judgment, so the court sua sponte ordered him to file such a motion or show cause for the delay by October 2, 2025.

DISPOSITION

other

CASES CITED

- Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016)
- Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976)

OPINION

CIVIL MINUTES – GENERAL Case No. 2:25-cv-02595-MAR Date: September 11, 2025 Title: Present: The Honorable: MARGO A. ROCCONI, UNITED STATES MAGISTRATE JUDGE VALERIE VELASCO N/A Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff: Attorneys Present for Defendants: N/A N/A Proceedings: (In Chambers) ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE On March 25, 2025, Plaintiff Jeremy Holland (“Plaintiff”) filed a complaint against Defendants Joshua Hidalgo and Oscar Desiderio Fuastino (“Defendants”), as well as Doe Defendants 1 through 10.

ECF Docket No. 1 (“Complaint”). Plaintiff served Defendants with the summons and Complaint on May 19, 2025—accordingly, Defendants’ answer was due on June 9, 2025. Dkts. 7–8. To date, Defendants have not filed an answer to the Complaint.

On June 10 and 20, Plaintiff requested entry of defaults against Defendants. Dkts. 9, 12. The Clerk of this Court entered default against Defendants on June 10 and June 26. Dkts. 11, 13. To date, Plaintiff has not moved for default judgment against Defendants. Federal Rule of Civil Procedure 41(b) grants the Court authority to sua sponte dismiss actions for failure to prosecute or failure to comply with court orders.

See Fed. R. Civ. P. 41(b); *Wolff v. California*, 318 F.R.D. 627, 630 (C.D. Cal. 2016). A plaintiff must prosecute her case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). *Anderson v. Air W., Inc.*, 542 F.2d 522, 524 (9th Cir. 1976).

Here, it appears that Plaintiff has failed to prosecute the case with reasonable diligence because he has failed to file a motion for default judgment for over two months. Accordingly, the Court, on its own motion, orders Plaintiff to file a motion for default judgment or to show cause in writing as to why he has not moved for default judgment, on or before October 2, 2025.

Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice as to one or more defendant(s) for failure to prosecute and comply with court orders. See Fed. R. Civ. P. 41(b). CIVIL MINUTES – GENERAL Case No. 2:25-cv-02595-MAR Date: September 11, 2025 Title: IT IS SO ORDERED. Initials of vv Preparer