

**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

OPINION

Jeremy Holland v. Joshua Hidalgo

PER CURIAM.

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

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