

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

1144 Hope Street, LLC v. STS Remodeling Corp., et al.

1144 Hope Street · No. CV 25-00687 FMO (BFMx) · Decided April 18, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause regarding dismissal for lack of prosecution. The court directed the plaintiff to file proof of service, answers, or applications for entry of default by April 25, 2025, warning that failure to respond could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	April 18, 2025
DOCKET	CV 25-00687 FMO (BFMx)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why the action should not be dismissed for lack of prosecution based on the apparent failure to timely serve defendants, obtain answers, or seek entry of default.
PRECEDENTIAL VALUE	unpublished
PARTIES	1144 Hope Street, LLC v. STS Remodeling Corp., et al.

TOPICS

- service of process
- default
- civil procedure

PRACTICE AREAS

- civil procedure
- litigation practice

QUESTIONS PRESENTED

- Whether the court should require plaintiff to show cause why the action should not be dismissed for lack of prosecution based on the apparent failure to timely serve defendants, obtain answers, or seek entry of

default.

HOLDINGS

1. The court may require plaintiff to show cause why the action should not be dismissed when the apparent failure to timely serve defendants, obtain answers, or pursue default indicates a lack of diligent prosecution.

KEY QUOTATIONS

“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.”

FACTUAL BACKGROUND

The action was pending before the United States District Court for the Central District of California, and the court determined that one or more defendants may not have been timely served or may not have answered. The court also contemplated the possibility that plaintiff could seek entry of default under Federal Rule of Civil Procedure 55(a). No merits facts concerning the underlying dispute were addressed.

PROCEDURAL HISTORY

Plaintiff filed a civil action in the Central District of California. The court found that one or more deadlines concerning service, answers, or default may not have been met and ordered plaintiff to respond in writing by April 25, 2025. The order stated that the matter would be submitted without oral argument and warned that failure to respond could result in dismissal.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S. Ct. 1386, 1388 (1962)

OPINION

1144 Hope ST, LLC v. STS Remodeling Corp

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

No. CV 25-00687 FMO (BFMx) Date April 18, 2025 Title 1144 Hope Street, LLC v. STS Remodeling Corp., et al. 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 April 25, 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: X Proof(s) of service of summons and complaint on the following defendant(s):

ALL DEFENDANTS

X An answer by the following defendant(s): ALL DEFENDANTS X Plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a):

ALL DEFENDANTS

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). Initials of Preparer vdr