

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF  
CALIFORNIA

Leah Ard v. Liam K. Griffin et al.

No. CV 25-00644-SRM (KESx), United States District Court for the Central District of California (April 29, 2025)

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Leah Ard to show cause why the action should not be dismissed for lack of prosecution. The court noted that Plaintiff had filed proof of service but had not taken action after the deadline for Defendants to respond, and provided alternatives including seeking entry of default, filing a compliant stipulation, or voluntarily dismissing the action.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Central District of California                                                                                                                                                                                 |
| WRITING FOR THE COURT | Serena R. Murillo                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the Central District of California                                                                                                                                                                                 |
| DECIDED               | April 29, 2025                                                                                                                                                                                                                                      |
| DOCKET                | CV 25-00644-SRM (KESx)                                                                                                                                                                                                                              |
| 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 filed proof of service but took no action after the deadline for Defendants to respond to the Complaint had passed. |
| PRECEDENTIAL VALUE    | unknown                                                                                                                                                                                                                                             |
| PARTIES               | Leah Ard v. Liam K. Griffin et al.                                                                                                                                                                                                                  |

TOPICS

- civil procedure
- default
- default judgment
- remedies

PRACTICE AREAS

- civil procedure
- remedies

## 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 a federal district court may sua sponte dismiss an action under Federal Rule of Civil Procedure 41(b) when the plaintiff fails to prosecute the case.

## HOLDINGS

1. A federal district court may sua sponte require a plaintiff to show cause why an action should not be dismissed for lack of prosecution and may dismiss under Federal Rule of Civil Procedure 41(b) if the plaintiff fails to provide a timely and appropriate response.
2. The plaintiff bears responsibility for moving a case toward a merits disposition, including taking appropriate action after a defendant's response deadline has passed.

## KEY QUOTATIONS

*“[I]t is the plaintiff's responsibility to move a case toward a merits disposition.”*

*“The authority of a federal trial court to dismiss a plaintiff's action with prejudice because of his failure to prosecute cannot seriously be doubted.”*

*“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.”*

*“It is within the inherent power of court to sua sponte dismiss a case for lack of prosecution.”*

## FACTUAL BACKGROUND

Plaintiff filed proof of service on the defendants. The deadline for defendants to respond to the Complaint passed, and Plaintiff took no further action to move the case forward. The court identified possible next steps, including seeking entry of default, filing a compliant stipulation extending the response deadline, or voluntarily dismissing the action.

## PROCEDURAL HISTORY

Plaintiff filed the action and filed proof of service. Defendants' response deadline passed without Plaintiff filing a stipulation, pursuing entry of default, or voluntarily dismissing the action. The court sua sponte ordered Plaintiff to show cause in writing by May 6, 2025, why the action should not be dismissed for lack of prosecution.

## DISPOSITION

other

## CASES CITED

- Thomas v. Kernan, 2019 WL 8888200, at \*1 (C.D. Cal. July 10, 2019)
- Morris v. Morgan Stanley & Co., 942 F.2d 648, 652 (9th Cir. 1991)

- *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962)
- *Helis Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005)
- *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984)

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