

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Darwin Boggs v. Rosalino Cruz et al.

No. CV 25-01912-SPG(RAOx), United States District Court for the Central District of California (September 3, 2025)

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Darwin Boggs to show cause why the action should not be dismissed for lack of prosecution. The court noted that Defendants had not answered and directed Plaintiff to seek entry of default or dismiss the complaint by September 16, 2025, warning that failure to respond would be deemed consent to dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sherilyn Peace Garnett
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 3, 2025
DOCKET	CV 25-01912-SPG(RAOx)
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 defendants failed to answer and plaintiff failed to request entry of default.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Darwin Boggs v. Rosalino Cruz, Luis A. Cerda

TOPICS

- default
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

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 entry of default after defendants failed to answer warranted further action under Federal Rule of Civil Procedure 55(a).

HOLDINGS

1. A district court has inherent authority to dismiss an action for lack of prosecution on its own motion, and may require the plaintiff to show cause why dismissal should not occur.
2. When defendants have not answered the complaint, plaintiff may respond to the order to show cause by seeking entry of default under Federal Rule of Civil Procedure 55(a) or by dismissing the complaint.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

The defendants had not answered the complaint. Plaintiff had not sought entry of default under Federal Rule of Civil Procedure 55(a). The court therefore directed plaintiff to show cause why the action should not be dismissed for lack of prosecution.

PROCEDURAL HISTORY

Plaintiff brought an action against Rosalino Cruz and Luis A. Cerda. The defendants had not answered the complaint, and plaintiff had not requested entry of default under Federal Rule of Civil Procedure 55(a). The court ordered plaintiff to respond by September 16, 2025, stating that plaintiff could satisfy the order by seeking entry of default or dismissing the complaint.

DISPOSITION

other

CASES CITED

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

OPINION

Darwin Boggs v. Rosalino Cruz

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES — GENERAL

Case No. CV 25-01912-SPG(RAOx) Date September 3, 2025 Ti Darwin Boggs v. Rosalino Cruz
et al itle ee Present: The Honorable SHERILYN PEACE GARNETT

UNITED STATES DISTRICT JUDGE

Patricia Gomez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff: Attorneys Present for Defendants: Not Present Not Present Proceeding: [In Chambers] Order To Show Cause Re: Dismissal for Lack of Prosecution Plaintiff is 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 has not been met. Accordingly, the Court, on its own motion, orders Plaintiff to show cause, in writing, on or before September 16, 2025, why this action should not be dismissed for lack of prosecution. This matter will stand submitted upon the filing of Plaintiffs response. See Fed. R. Civ. P. 78. Failure to respond will be deemed consent to the dismissal of the action. Defendants listed below did not answer the complaint, yet Plaintiffs have failed to request entry of default, pursuant to Fed. R. Civ. P. 55(a). Plaintiffs can satisfy this order by seeking entry of default or by dismissing the complaint. e Rosalio Cruz e Luis A Cerda IT IS SO ORDERED. 00 Initials of Preparer pg