

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Garet Palmer v. MS E-Commerce Ventures Inc.

No. CV 25-07424-SK, United States District Court for the Central District of California (November 17, 2025)

SUMMARY

The court orders Plaintiff Garet Palmer to show cause by January 2, 2026 why the action should not be dismissed without prejudice for lack of prosecution. The order states that Plaintiff failed to file proof of service within 90 days of filing the complaint and permits a response demonstrating timely service or good cause under Federal Rule of Civil Procedure 4(m).

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Steve Kim
DECIDED	November 17, 2025
DOCKET	CV 25-07424-SK
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why the action should not be dismissed without prejudice for lack of prosecution based on Plaintiff's failure to file proof of service within 90 days of filing the complaint.
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

service of process civil procedure motions to dismiss

PRACTICE AREAS

civil procedure service of process

QUESTIONS PRESENTED

- Whether the court should require Plaintiff to show cause why the action should not be dismissed for lack of prosecution when Plaintiff failed to file proof of service within 90 days of filing the complaint.
- Whether Federal Rule of Civil Procedure 4(m) requires dismissal without prejudice absent timely service or good cause.

HOLDINGS

1. A federal district court has inherent authority to dismiss an action sua sponte for lack of prosecution and may issue an order to show cause before doing so.
2. 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.

KEY QUOTATIONS

“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.” (at 1)

“Failure to respond to this Order to Show Cause will be deemed consent to the dismissal of the action.” (at 1)

FACTUAL BACKGROUND

Plaintiff filed a complaint against MS E-Commerce Ventures Inc. The record before the court did not contain proof that Defendant had been served within 90 days after the complaint was filed. The court therefore required Plaintiff to demonstrate timely service or good cause for the failure to serve.

PROCEDURAL HISTORY

Plaintiff filed a complaint against MS E-Commerce Ventures Inc. Plaintiff had not filed proof of service within 90 days of filing the complaint. The court ordered Plaintiff to show cause by January 2, 2026, either that service was timely effectuated or that good cause existed for the failure.

DISPOSITION

other

CASES CITED

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

OPINION

Garet Palmer v. MS E-Commerce Ventures Inc.

PER CURIAM.

CIVIL MINUTES – GENERAL

Case No. CV 25-07424-SK Date: November 17, 2025 Title Garet Palmer v. MS E-Commerce Ventures Inc. Present: The Honorable: Steve Kim, United States Magistrate Judge Connie Chung n/a Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff(s): Attorneys Present for Defendant(s): None present None present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

FOR LACK OF PROSECUTION

For the reason indicated below, Plaintiff is ordered to show cause on or before January 2, 2026

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). 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. Plaintiff has failed to file a proof of service within 90 days of the filing of the Complaint on Defendant MS E-Commerce Ventures Inc. Plaintiff can satisfy this order by showing that service was effectuated within the 90 day deadline or by showing good cause for the failure to do so. Fed. R. Civ. P. 4(m). Pursuant to Rule 78 of the Federal Rules of Civil Procedure, 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 Plaintiff's response. Failure to respond to this Order to Show Cause will be deemed consent to the dismissal of the action. IT IS SO ORDERED.