

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

DBEST PRODUCTS, INC. v. HUNANSANTANG
INTERNATIONAL TRADE COMPANY, LTD.

No. CV 25-4625 FMO (PDx), United States District Court for the Central District of California (December 5, 2025)

SUMMARY

The United States District Court for the Central District of California dismissed the action without prejudice because the plaintiff failed to timely serve the defendant and failed to comply with the court’s service-related orders. The court relied on Federal Rules of Civil Procedure 4(m) and 41(b), its inherent authority, and Ninth Circuit dismissal factors.

CASE DETAILS

COURT	United States District Court for the Central District of California
JURISDICTION	United States District Court, Central District of California
DECIDED	December 5, 2025
DOCKET	CV 25-4625 FMO (PDx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action without prejudice on its own initiative after the plaintiff failed to timely serve the defendant and failed to comply with court orders requiring service and proof of service.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not established in the source metadata

TOPICS

- service of process
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) for failure to effect service within the required period.
2. Whether dismissal without prejudice was warranted under Federal Rule of Civil Procedure 41(b) and the court's inherent authority because plaintiff failed to prosecute the action and comply with court orders.

HOLDINGS

1. When service is not effected within the period specified by Federal Rule of Civil Procedure 4(m), the court may dismiss the action without prejudice; on the circumstances presented, dismissal was warranted.
2. A district court may dismiss an action for failure to prosecute or failure to comply with a court order when, after considering the relevant dismissal factors, dismissal without prejudice is warranted.

KEY QUOTATIONS

“Rule 4(m) of the Federal Rules of Civil Procedure provides that a court, on its own initiative, “must dismiss the action without prejudice” if service is not effected “within 90 days after the complaint is filed[.]”” (at 2)

“Based on the foregoing, IT IS ORDERED THAT judgment be entered dismissing this action, without prejudice, for failure to effect service and comply with the orders of this Court.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed the action but did not timely effect service on defendant. Plaintiff requested an additional thirty days to serve defendant or seek service by other means, and the court later granted a final opportunity to complete service by November 5, 2025 and file proof by November 7, 2025. Plaintiff filed no proof of service and did not otherwise respond to the court's final order.

PROCEDURAL HISTORY

Plaintiff filed the action on May 21, 2025. After the court ordered plaintiff to show cause for failure to prosecute, plaintiff requested additional time to effect service or seek alternative service under Federal Rule of Civil Procedure 4(f). The court later gave plaintiff a final deadline to serve defendant and file proof of service, but plaintiff did neither. The court then dismissed the action without prejudice.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-31, 82 S. Ct. 1386, 1388-89 (1962)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992)
- Thompson v. Hous. Auth. of Los Angeles, 782 F.2d 829, 831 (9th Cir. 1986)
- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 DBEST PRODUCTS, INC.,) Case No. CV 25-4625 FMO (PDx)) 12
Plaintiff,)) 13 v.) ORDER DISMISSING ACTION WITHOUT) PREJUDICE 14
HUNANSANTANG INTERNATIONAL) TRADE COMPANY, LTD.,) 15) Defendant.) 16) 17
Plaintiff filed this action on May 21, 2025. (See Dkt. 1, Complaint).

By Order dated August 18 8, 2025, plaintiff was ordered to show cause, on or before August 15, 2025, why this action should 19 not be dismissed for lack of prosecution. (See Dkt. 16, Court's Order of August 8, 2025). Plaintiff 20 filed a Response to the OSC on August 15, 2025, requesting an additional 30 days to either 21 accomplish service on defendant or move under Fed.

R. Civ. P. 4(f) for service by other means. 22 (See Dkt. 17, Response). 23 On October 23, 2025, more than 60 days after plaintiff requested the 30-day extension of 24 time to effect service, the court issued a subsequent order giving plaintiff one final opportunity to 25 effect service. (See Dkt. 18, Court's Order of October 23, 2025).

The court ordered plaintiff to 26 serve defendant no later than November 5, 2025, and to file a proof of service no later than 27 November 7, 2025. (Id. at ¶ 1). Plaintiff was admonished that failure to do so would "result in the 28 1| failure to comply with the orders of the court." (Id. at 2).

As of the filing date of this Order, plaintiff has not filed any proof of service, or otherwise responded to the Court's order of October 3] 23, 2025. (See, generally, Dkt.). 4 Rule 4(m) of the Federal Rules of Civil Procedure provides that a court, on its own initiative, "must dismiss the action without prejudice" if service is not effected "within 90 days after the 6] complaint is filed[.]" In addition, a district court may dismiss an action for failure to prosecute or 7] to comply with court orders.

Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629- 8] 31,82 S.Ct. 1386, 1388-89 (1962) (authority to dismiss for failure to prosecute necessary to avoid 9] undue delay in disposing of cases and congestion in court calendars); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir.)

(1992) (district court may dismiss action for failure to comply with any court order). Dismissal, however, is a severe penalty and should be imposed only after consideration 12 | of the relevant factors in favor of and against this extreme remedy. *Thompson v. Housing Auth. of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). These factors include: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of 15 || prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and 16 || (5) the availability of less drastic sanctions.

Id.; *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th 17 | Cir. 1986). 18 Pursuant to Rules 4(m) and 41(b), the Court's inherent power to achieve the orderly and expeditious disposition of cases, see

Link, 370 U.S. at 629-30, 82 S.Ct. at 1388, and the factors 20] outlined in Henderson, 779 F.2d at 1423, the court finds that plaintiff's failure to timely effect 21] service and comply with the Court's Order to Show Cause issued on October 23, 2025 (Dkt.

18) 22 warrants dismissal of this action without prejudice. 23 Based on the foregoing, IT |S ORDERED THAT judgment be entered dismissing this action, 24 | without prejudice, for failure to effect service and comply with the orders of this Court. Dated this 5th day of December, 2025. 26 27 —remando Mogan 38 United States District Judge