

**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.

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