

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PRECEDENTIAL VALUE	unpublished district court order; precedential status not established in the source metadata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)

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