

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Robert Cauley v. 10111 Normandie Investments LLC et al.

Cauley v. 10111 Normandie Investments LLC · No. CV 25-02601-SPG-RAO · Decided July 16, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Robert Cauley to show cause why the action should not be dismissed for lack of prosecution. The Court stated that Plaintiff could satisfy the order by seeking entry of default against the defendants that had not answered or by dismissing the complaint, with a written response due July 30, 2025.

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	July 16, 2025
DOCKET	CV 25-02601-SPG-RAO
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why the action should not be dismissed for lack of prosecution because defendants had not answered and plaintiff had not sought entry of default.
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

civil procedure default

PRACTICE AREAS

Civil procedure Federal civil litigation Americans with Disabilities Act

QUESTIONS PRESENTED

- Whether the court may, on its own motion, require plaintiff to show cause why the action should not be dismissed for lack of prosecution.

2. Whether plaintiff could avoid dismissal by seeking entry of default under Federal Rule of Civil Procedure 55(a) or dismissing the complaint.

HOLDINGS

1. The district court may exercise its inherent power to dismiss an action for lack of prosecution on its own motion and may require plaintiff to show cause why dismissal should not occur.

KEY QUOTATIONS

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

FACTUAL BACKGROUND

The defendants had not answered the complaint. Plaintiff had not requested entry of default against them and had not otherwise taken the action required by the court's stated time period. The court therefore required plaintiff to show cause why the case should not be dismissed for lack of prosecution.

PROCEDURAL HISTORY

Plaintiff filed this civil action against 10111 Normandie Investments LLC and Normandie Eateries, Inc. 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 sua sponte ordered plaintiff to respond in writing by July 30, 2025, explaining why the action should not be dismissed for lack of prosecution.

DISPOSITION

other

CASES CITED

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

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL Case No. CV 25-02601-SPG-RAO Date July 16, 2025 Title Robert Cauley v. 10111 Normandie Investments LLC et al 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 July 30, 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 have not answered the complaint, yet Plaintiff has failed to request entry of default, pursuant to Fed. R. Civ. P. 55(a). Plaintiff can satisfy this order by seeking entry of default or by dismissing the complaint. e 10111 Normandie Investments LLC e Normandie Eateries, Inc. IT IS SO ORDERED.

00 00 Initials of Preparer pg UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL Case No. CV 25-02601-SPG-RAO Date July 16, 2025 Title Robert Cauley v. 10111 Normandie Investments LLC et al