

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Parent on Behalf of Student v. Los Angeles Unified School District

No. 2:25-cv-05322-SVW-SSC, United States District Court for the Central District of California (October 1, 2025)

SUMMARY

The United States District Court for the Central District of California ordered the plaintiff to show cause why the action should not be dismissed for lack of prosecution. The court noted that the defendant had not answered and directed the plaintiff to seek entry of default or dismiss the complaint by October 10, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
JURISDICTION	United States District Court for the Central District of California
DECIDED	October 1, 2025
DOCKET	2:25-cv-05322-SVW-SSC
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why the action should not be dismissed for lack of prosecution after the defendant had not answered and the plaintiff had not requested entry of default.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential.

TOPICS

- default
- default judgment
- civil procedure

PRACTICE AREAS

- civil procedure
- federal litigation

QUESTIONS PRESENTED

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

2. Whether the plaintiff's failure to seek entry of default after the defendant failed to answer warranted an order to show cause.

HOLDINGS

1. The district court recognized that it has inherent authority to dismiss an action for lack of prosecution on its own motion and therefore may require the plaintiff to show cause why dismissal should not occur.
2. Because the defendant had not answered and the plaintiff had not requested entry of default under Federal Rule of Civil Procedure 55(a), the court ordered the plaintiff to show cause and permitted the plaintiff to satisfy the order by seeking entry of default or dismissing the complaint.

KEY QUOTATIONS

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

“Failure to respond will be deemed consent to the dismissal of the action.”

FACTUAL BACKGROUND

Los Angeles Unified School District had not answered the complaint. The plaintiff had also failed to request entry of default under Federal Rule of Civil Procedure 55(a), prompting the court to issue an order to show cause regarding dismissal for lack of prosecution.

PROCEDURAL HISTORY

The action was pending in the United States District Court for the Central District of California. The court ordered the plaintiff to respond in writing by October 10, 2025, explaining why the case should not be dismissed for lack of prosecution, and stated that the plaintiff could satisfy the order by seeking entry of default or dismissing the complaint.

DISPOSITION

other

CASES CITED

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