

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Rohit J. Singh v. Next Level ADU Builder and Solar, et al.

Singh v. Next Level ADU Builder and Solar · No. 8:24-cv-02712-FWS-MAR · Decided March 25, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Rohit J. Singh’s action without prejudice for failure to prosecute and comply with a court order. The court found that Singh failed to file proof of service within the required period and did not respond to an order to show cause regarding dismissal. The court concluded that the relevant dismissal factors, including docket management and the availability of less drastic alternatives, supported dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fred W. Slaughter
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 25, 2025
DOCKET	8:24-cv-02712-FWS-MAR
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action without prejudice on its own motion after the plaintiff failed to file proofs of service within the Rule 4(m) period and failed to respond to an order to show cause regarding dismissal for lack of prosecution.
STANDARD OF REVIEW	The court exercised its discretion under Federal Rule of Civil Procedure 4(m) and its inherent docket-management authority, weighing the five-factor test for dismissal for failure to prosecute or failure to comply with a court order.
PRECEDENTIAL VALUE	Unpublished district-court order; generally nonprecedential except as permitted by applicable rules.
PARTIES	Rohit J. Singh v. Next Level ADU Builder and Solar, Marco Gonzalez, unnamed Does

TOPICS

service of process

sanctions

civil procedure

civil rights

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. Whether dismissal without prejudice was authorized under Federal Rule of Civil Procedure 4(m) because the defendants had not been served within 90 days after the complaint was filed.
2. Whether dismissal for failure to prosecute and failure to comply with the order to show cause was warranted under the court's inherent docket-management authority after balancing the applicable five factors.

HOLDINGS

1. When a defendant is not served within 90 days after the complaint is filed, the court may dismiss the action without prejudice after notice to the plaintiff or order service within a specified time. The absence of timely proof of service supported dismissal in this case.
2. Dismissal without prejudice was warranted because the public interest in expeditious resolution, the court's need to manage its docket, and the unavailability of effective less drastic alternatives outweighed the neutral or reduced weight of the remaining factors.

KEY QUOTATIONS

"If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." (Dkt. 11 at 1)

"the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to defendants/respondents; (4) the availability of less drastic alternatives; and (5) the public policy favoring disposition of cases on their merits." (at 2)

"[A] district court's warning to a party that his or her failure to obey the court's order will result in dismissal can satisfy the 'consideration of alternatives' requirement." (at 3)

FACTUAL BACKGROUND

Singh filed claims under 42 U.S.C. §§ 1981 and 1982 against Next Level ADU Builder and Solar, Marco Gonzalez, and unnamed defendants. More than 90 days elapsed after the complaint was filed without Singh filing proof that any defendant had been served. After the court issued an order to show cause and warned that failure to respond could result in dismissal, Singh filed no response.

PROCEDURAL HISTORY

Singh filed the action on December 17, 2024, alleging violations of 42 U.S.C. §§ 1981 and 1982. After more than 90 days passed without a proof of service, the court issued an order to show cause on March 19, 2025,

requiring a response by March 21, 2025. Singh filed nothing by the deadline, and the court dismissed the case without prejudice for failure to prosecute and failure to comply with the court's order.

DISPOSITION

dismissed

CASES CITED

- Oliva v. Sullivan, 958 F.2d 272, 273 (9th Cir. 1992)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)
- Yourish v. California, 191 F.3d 983, 990 (9th Cir. 1999)
- Keawe v. Department of Public Safety, 2024 WL 1495085, at *2 (D. Haw. Mar. 15, 2024), report and recommendation adopted, 2024 WL 1492630 (D. Haw. Apr. 5, 2024)
- Ferdik v. Bonzelet, 963 F.2d 1258, 1262-63 (9th Cir. 1992), as amended (May 22, 1992)
- Alliant Credit Union v. Vessel EAGLE REST, 2010 WL 3746727, at *2 (N.D. Cal. Sept. 20, 2010)
- Ewing v. Ruano, 2012 WL 2138159, at *2 (C.D. Cal. June 12, 2012)
- Thomas v. Kernan, 2019 WL 8888200, at *1 (C.D. Cal. July 10, 2019)
- In re Phenylpropanolamine (PPA) Products Liability Litigation, 460 F.3d 1217, 1228 (9th Cir. 2006)
- Worden v. Hemming, 2022 WL 2062331, at *2 (C.D. Cal. Jan. 21, 2022)
- Mora v. Wenrick, 2020 WL 1279233, at *2 (C.D. Cal. Jan. 7, 2020), report and recommendation adopted, 2020 WL 1274211 (C.D. Cal. Mar. 16, 2020)
- Bartok v. Bartok, 2019 WL 6729660 (C.D. Cal. July 15, 2019)
- 942 F.2d 648, 652 (9th Cir. 1991)

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