

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Michael Painter v. Green Dot Bank

Painter v. Green Dot Bank · No. 2:25-cv-09442-AB (PDx) · Decided December 16, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Michael Painter to show cause why the action against Green Dot Bank should not be dismissed for lack of prosecution. The court noted that Defendant had not answered and directed Plaintiff to seek entry of default under Federal Rule of Civil Procedure 55(a) or dismiss the complaint by December 23, 2025.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	André Birotte Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	December 16, 2025
DOCKET	2:25-cv-09442-AB (PDx)
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 failed to answer and the plaintiff failed to seek entry of default.
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

- default
- civil procedure
- default judgment

PRACTICE AREAS

- civil procedure
- banking and finance

QUESTIONS PRESENTED

- Whether the court should require plaintiff to show cause why the action should not be dismissed for lack of prosecution.

2. Whether plaintiff's failure to seek entry of default after defendant failed to answer warranted an order directing plaintiff to seek default, dismiss the complaint, or otherwise explain the failure to prosecute.

HOLDINGS

1. A district court has inherent authority to dismiss an action for lack of prosecution on its own motion and may require the plaintiff to show cause why dismissal should not occur.
2. When a defendant has not answered, plaintiff may satisfy the order to show cause by seeking entry of default under Federal Rule of Civil Procedure 55(a) or by 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

Green Dot Bank had not answered the complaint. Plaintiff had not requested entry of default under Federal Rule of Civil Procedure 55(a), prompting the court to question whether the action was being prosecuted.

PROCEDURAL HISTORY

Plaintiff brought an action against Green Dot Bank. The defendant had not answered the complaint, and the plaintiff had not requested entry of default under Federal Rule of Civil Procedure 55(a). The court ordered plaintiff to respond by December 23, 2025, stating that 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)