

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Juan Valencia v. Airgas USA LLC et al.

No. CV 25-06290-SK, United States District Court for the Central District of California (September 25, 2025)

SUMMARY

The court ordered Plaintiff Juan Valencia to show cause by October 9, 2025 why the action should not be dismissed for lack of prosecution. The order states that Defendant Airgas USA LLC had not answered, and directs Plaintiff to seek entry of default under Federal Rule of Civil Procedure 55(a) or dismiss the complaint; failure to respond would be treated as consent to dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Steve Kim
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	September 25, 2025
DOCKET	CV 25-06290-SK
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 request entry of default.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- default
- civil procedure
- default judgment

PRACTICE AREAS

- civil procedure
- federal litigation
- default practice

QUESTIONS PRESENTED

- Whether the court should require plaintiff to show cause why the action should not be dismissed for lack of prosecution when defendant had not answered and plaintiff had not sought entry of default.

HOLDINGS

1. A federal district court has inherent authority to dismiss an action for lack of prosecution on its own motion.
2. Plaintiff may satisfy the order to show cause by seeking entry of default against the nonanswering defendant or by dismissing the complaint; failure to respond will be treated as consent to dismissal.

KEY QUOTATIONS

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

“Failure to respond to this Order to Show Cause will be deemed consent to the dismissal of the action.”

FACTUAL BACKGROUND

Airgas USA LLC had not answered plaintiff's complaint. Plaintiff nevertheless had not requested entry of default under Federal Rule of Civil Procedure 55(a), prompting the court to question whether plaintiff was prosecuting the action.

PROCEDURAL HISTORY

Plaintiff filed a civil action against Airgas USA LLC and related defendants. Airgas USA LLC had not answered the complaint, and plaintiff had not sought entry of default under Federal Rule of Civil Procedure 55(a). The court ordered plaintiff to show cause by October 9, 2025 why the case should not be dismissed for lack of prosecution and stated that failure to respond would be deemed consent to dismissal.

DISPOSITION

other

CASES CITED

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

OPINION

CIVIL MINUTES – GENERAL Case No. CV 25-06290-SK Date: September 25, 2025 Title Juan Valencia v. Airgas Usa, LLC et al Present: The Honorable: Steve Kim, United States Magistrate Judge Connie Chung n/a Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff(s): Attorneys Present for Defendant(s): None present None present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL FOR LACK OF PROSECUTION For the reason indicated below, Plaintiff is ordered to show cause on or before October 9, 2025 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). Defendant Airgas USA LLC did not answer 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.

Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of Plaintiff's response. Failure to respond to this Order to Show Cause will be deemed consent to the dismissal of the action. IT IS SO ORDERED.