

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Paul Velgos v. Charter Aperitivo LLC

No. SACV 25-00648-SRM (KESx), United States District Court for the Central District of California (May 2,
2025)

SUMMARY

The United States District Court for the Central District of California issued an order to show cause why the action should not be dismissed for lack of prosecution. The court noted that the plaintiff had filed proof of service but had not taken action after the defendant's response deadline passed. The plaintiff was ordered to respond by May 7, 2025, or alternatively file a request for default, a compliant stipulation extending the response deadline, or a notice of voluntary dismissal.

OPINION

Paul Velgos v. Charter Aperitivo LLC

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES — GENERAL

Case No. SACV 25-00648-SRM (KESx) Date May 2, 2025 Title Paul Velgos v. Charter Aperitivo LLC Present: The Honorable SERENA R. MURILLO, UNITED STATES DISTRICT JUDGE Melissa H. Kunig Not Reported Deputy Clerk Court Reporter Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present

PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR
LACK OF PROSECUTION

“[I]t is the plaintiff's responsibility to move a case toward a merits disposition.” Thomas v. Kernan, 2019 WL 8888200, at *1 (C.D. Cal. July 10, 2019) (citing Morris v. Morgan Stanley & Co., 942 F.2d 648, 652 (9th Cir. 1991)). That includes, where applicable, promptly (a) filing stipulations a defendant's time to respond to the complaint, (b) pursuing default and remedies under Federal Rule of Civil Procedure 55 when a defendant fails to timely respond to the complaint, or (c) dismissing a case the plaintiff has chosen not to pursue for any reason. Here, Plaintiff has filed a proof of service, yet the deadline for Defendant to respond to the Complaint has passed and Plaintiff has taken no action. Accordingly, the court, on its own motion, hereby ORDERS Plaintiff to show cause in writing, no later than May 7, 2025, why this action should not be dismissed for lack of prosecution. As an alternative to a written response by Plaintiff, the Court will consider as an appropriate response to this OSC the filing of one of the following on or before

the above date:

1. Plaintiffs Request for Entry of Default as to all Defendants or Defendants' Answer(s),
2. A stipulation extending Defendants' time to respond to the Complaint that complies with Local Rule 8.3, or
3. notice of Voluntary Dismissal (Fed. R. Civ. P. 41) as to a// Defendants.

No oral argument of this matter will be heard unless ordered by the Court. The Order will be submitted upon the filing of a timely and appropriate response. Failure to file a timely and appropriate response to this Order may result in dismissal without further notice or order from the court. Fed. R. Civ. P. 41(b); L. R. 41-6; *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962) ("The authority of a federal trial court to dismiss a plaintiff's action with prejudice because of his failure to prosecute cannot seriously be doubted."); *Helis Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES — GENERAL

Case No. SACV 25-00648-SRM (KESx) Date May 2, 2025 Title Paul Velgos v. Charter Aperitivo LLC 683, 689 (9th Cir. 2005) ("[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances."); *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984) ("It is within the inherent power of court to sua sponte dismiss a case for lack of prosecution."). Initial of Deputy Clerk = mku