

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

K. Phillip Taylor v. Complete Logistics LLC et al.

Taylor v. Complete Logistics LLC · No. SACV 25-00741-SRM (KESx) · Decided June 2, 2025

SUMMARY

The court issued an order to show cause why the action should not be dismissed for lack of prosecution. Plaintiff was directed to respond by June 9, 2025, or alternatively file a request for entry of default, a compliant stipulation extending the defendants’ response deadline, or a notice of voluntary dismissal. The order warns that failure to respond may result in dismissal without further notice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Serena R. Murillo
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 2, 2025
DOCKET	SACV 25-00741-SRM (KESx)
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 Plaintiff filed proof of service but took no action after the deadline for Defendants to respond to the Complaint passed.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	K. Phillip Taylor v. Complete Logistics LLC et al.

TOPICS

- civil procedure
- default
- default judgment
- motions to dismiss

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether the court should require Plaintiff to show cause why the action should not be dismissed for lack of prosecution after Plaintiff failed to act following service of the Complaint and expiration of Defendants' response deadline.
2. Whether the court may dismiss an action sua sponte for lack of prosecution under Federal Rule of Civil Procedure 41(b) and the court's inherent authority if Plaintiff fails to provide a timely and appropriate response.

HOLDINGS

1. Because Plaintiff failed to take action after the deadline for Defendants to respond to the Complaint passed, the court properly ordered Plaintiff to show cause why the action should not be dismissed for lack of prosecution.
2. The court may dismiss an action sua sponte for lack of prosecution under Federal Rule of Civil Procedure 41(b), at least under appropriate circumstances, and may do so without further notice or order if Plaintiff fails to provide a timely and appropriate response to the order to show cause.

KEY QUOTATIONS

“[I]t is the plaintiff’s responsibility to move a case toward a merits disposition.”

“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.” (629)

“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.” (689)

“It is within the inherent power of court to sua sponte dismiss a case for lack of prosecution.” (496)

FACTUAL BACKGROUND

Plaintiff filed a proof of service on the Defendants. The deadline for Defendants to respond to the Complaint passed, but Plaintiff took no further action. The court therefore issued an order to show cause concerning dismissal for lack of prosecution.

PROCEDURAL HISTORY

Plaintiff commenced the civil action and filed proof of service. Defendants' response deadline passed without Plaintiff filing a stipulation, seeking entry of default, or otherwise moving the case forward. The court sua sponte ordered Plaintiff to show cause in writing by June 9, 2025, and identified several filings that would constitute an appropriate response.

DISPOSITION

other

CASES CITED

- Thomas v. Kernan, 2019 WL 8888200, at *1 (C.D. Cal. July 10, 2019)

- *Morris v. Morgan Stanley & Co.*, 942 F.2d 648, 652 (9th Cir. 1991)
- *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962)
- *Helis Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005)
- *Ash v. Cvetkov*, 739 F.2d 493, 496 (9th Cir. 1984)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL Case No. SACV 25-00741-SRM (KESx) Date June 2, 2025 Title K. Phillip Taylor v. Complete Logistics LLC et al 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 June 9, 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 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 25-00741-SRM

(KESx) Date June 2, 2025 Title K. Phillip Taylor v. Complete Logistics LLC et al 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

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