

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Ekaterina Zhuliabina v. Kika Scott, et al.

No. CV 25-3927 FMO (Ex), United States District Court for the Central District of California (July 21, 2025)

SUMMARY

The United States District Court for the Central District of California issued an order to show cause regarding dismissal for lack of prosecution. The court directed the plaintiff to file proof of service, an answer, or an application for entry of default by July 28, 2025, and warned that failure to respond could result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 21, 2025
DOCKET	CV 25-3927 FMO (Ex)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued a sua sponte order to show cause why the action should not be dismissed for lack of prosecution based on the apparent failure to timely serve the summons and complaint or otherwise satisfy applicable response deadlines.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Ekaterina Zhuliabina v. Kika Scott, et al.

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- federal litigation

QUESTIONS PRESENTED

1. Whether the plaintiff should be required to show cause why the action should not be dismissed without prejudice for lack of prosecution based on the apparent failure to timely serve the defendants, obtain answers, or otherwise diligently prosecute the action.

HOLDINGS

1. Absent good cause, an action may be dismissed without prejudice when the summons and complaint are not served on a defendant within 90 days after the complaint is filed, and the court may dismiss before that period expires when the plaintiff has not diligently prosecuted the action.
2. The matter was appropriate for submission without oral argument under Federal Rule of Civil Procedure 78(b).

KEY QUOTATIONS

“Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed.”

“The court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action.”

FACTUAL BACKGROUND

The complaint had been filed, but the court could not determine from the record that all defendants had been timely served or had answered. The court noted that service generally must occur within 90 days after filing and that defendants generally must answer within 21 days after service, subject to the longer period applicable to the United States. The court also noted that service in a foreign country requires reasonable diligence and an attempt within the 90-day period.

PROCEDURAL HISTORY

The action was filed in the Central District of California. The court determined that one or more applicable service, answer, or prosecution deadlines appeared not to have been met and ordered the plaintiff to show cause in writing by July 28, 2025. The matter would be submitted without oral argument upon filing proof of service, an answer, or an application for entry of default.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S. Ct. 1386, 1388 (1962)

OPINION

Ekaterina Zhuliabina v. Kika Scott

PER CURIAM.

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

Case No. CV 25-3927 FMO (Ex) Date July 21, 2025 Title Ekaterina Zhuliabina v. Kika Scott, et al. Present: The Honorable — Fernando M. Olguin, United States District Judge Vanessa Figueroa None Present Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present Proceedings: (In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a). The court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action. With respect to service of individuals and/or business entities in a foreign country, plaintiff shall exercise all reasonable diligence and attempt service within the 90-day time period. In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before July 28, 2025, why this action should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), 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: X Proof(s) of service of summons and complaint on the following defendant(s):

ALL DEFENDANTS

X An answer by the following defendant(s): ALL DEFENDANTS Plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a): on or before the date indicated above. Failure to file a timely response to this Order to Show Cause shall result in the action or the above defendant(s) being dismissed for lack of prosecution and for failure to comply with the orders of the court. See Local Rule 41; Fed. R. Civ. P. 4 & 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962). Initials of Preparer vdr