

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Spice Beauty, LLC v. Spice Beauty, Ltd

Spice Beauty · No. 2:25-cv-05807-SRM (SKx) · Decided September 15, 2025

SUMMARY

The Central District of California orders Plaintiff to show cause why the action should not be dismissed for lack of prosecution. The court identifies possible responses, including seeking entry of default, stipulating to extend Defendants’ response deadline, or voluntarily dismissing the action, and 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	September 15, 2025
DOCKET	2:25-cv-05807-SRM (SKx)
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 Defendants' deadline to respond to the Complaint had passed.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order

TOPICS

- civil procedure
- default
- service of process
- pleadings

PRACTICE AREAS

- civil procedure
- trademark litigation

QUESTIONS PRESENTED

- Whether the court should require Plaintiff to show cause why the action should not be dismissed for lack of prosecution when Plaintiff failed to take action after Defendants' response deadline passed.

2. Whether a federal district court may dismiss an action sua sponte under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

HOLDINGS

1. A plaintiff is responsible for moving a case toward a merits disposition, including by promptly pursuing default and available remedies when a defendant fails to timely respond, obtaining an appropriate extension, or dismissing an action the plaintiff does not intend to pursue.
2. A federal district court has authority, at least under appropriate circumstances, to dismiss an action sua sponte for failure to prosecute under Federal Rule of Civil Procedure 41(b) and the court's inherent authority.

KEY QUOTATIONS

“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.” (at 2)

“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed proof of service in the action. Defendants' deadline to respond to the Complaint passed, and Plaintiff took no further action to move the case forward.

PROCEDURAL HISTORY

Plaintiff commenced this trademark action and filed proof of service. After Defendants' response deadline passed without an answer, a request for entry of default, a stipulation extending the response deadline, or a voluntary dismissal, the court sua sponte ordered Plaintiff to show cause by September 22, 2025 why the case should not be dismissed for lack of prosecution.

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)
- Hells 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

Spice Beauty, LLC v. Spice Beauty, Ltd

PER CURIAM.

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-05807-SRM (SKx) Date September 15, 2025 Title Spice Beauty, LLC v. Spice Beauty, Ltd et al Present: The Honorable SERENA R. MURILLO, UNITED STATES DISTRICT JUDGE Gabriela Garcia 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 extending 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 September 22, 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. Plaintiff’s 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. A notice of Voluntary Dismissal (Fed. R. Civ. P. 41) as to all Defendants.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand 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. See 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.”); Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:25-cv-05807-SRM (SKx) Date September 15, 2025 Title Spice Beauty, LLC v. Spice Beauty, Ltd 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 the court to sua sponte dismiss a case for lack of prosecution.”).

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