

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Jianzheng Xu v. BXMEX

Xu v. BXMEX · No. 2:25-cv-03384-SVW-PVC · Decided August 4, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause on August 4, 2025, directing the plaintiff to explain why the action should not be dismissed for lack of prosecution. The order states that proof of service had not been filed within 90 days for the listed defendants and requires a written response by August 14, 2025, under Federal Rule of Civil Procedure 4(m).

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
DECIDED	August 4, 2025
DOCKET	2:25-cv-03384-SVW-PVC
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why the action should not be dismissed for lack of prosecution based on the apparent failure to serve the defendants within 90 days after filing the complaint.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Jianzheng Xu v. BXMEX, Yong Shun Wang, Lin Yi, Ran, Jones Y., Linyi 060800

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- service of process

QUESTIONS PRESENTED

1. Whether the court should issue an order to show cause regarding dismissal for lack of prosecution because plaintiff failed to file proofs of service within 90 days of filing the complaint.
2. Whether Federal Rule of Civil Procedure 4(m) requires dismissal without prejudice absent good cause when a defendant is not served within 90 days.

HOLDINGS

1. 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.
2. The court has inherent authority to dismiss an action for lack of prosecution on its own motion, subject to the opportunity to respond provided by the order to show cause.

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.”

FACTUAL BACKGROUND

The complaint was filed in the action, but plaintiff had not filed proof of service on BXMEX and the other identified defendants within 90 days. The court therefore required plaintiff to show service within the deadline or good cause for failing to serve.

PROCEDURAL HISTORY

Plaintiff filed the complaint, but had not filed proofs of service for the identified defendants within 90 days. On its own motion, the district court ordered plaintiff to respond in writing by August 14, 2025, showing either that service occurred within the Rule 4(m) deadline or that good cause excused the failure.

DISPOSITION

other

CASES CITED

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

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No.: 2:25-cv-03384-SVW-PVC Date: August 4, 2025 Title: Jianzheng Xu v. BXMEX et al Present: The Honorable STEPHEN V. WILSON, United States District Judge Daniel Tamayo N/A Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Appearing None Appearing Proceedings: [In Chambers] Order To Show Cause Re: Dismissal for Lack of Prosecution Plaintiff(s) are ORDERED to show cause 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). The below time period(s) has not been met. Accordingly, the Court, on its own motion, orders Plaintiff(s) to show cause, in writing, on or before August 14, 2025, why this action should not be dismissed for lack of prosecution. This matter will stand submitted upon the filing of Plaintiff(s) response.

See Fed. R. Civ. P. 78. Failure to respond will be deemed consent to the dismissal of the action. // // ☒ 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. Plaintiff(s) have failed to file a proof of service within 90 days of the filing of the Complaint on the following Defendant(s): BXMEX; Yong Shun Wang; Lin Yi; Ran; Jones Y.; Linyi 060800 Plaintiff(s) can satisfy this order by showing that service was effectuated within the 90 day deadline or by showing good cause for the failure to do so.

Fed. R. Civ. P. 4(m). IT IS SO ORDERED.