

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Paul Stemple v. Booksi LLC

Stemple v. Booksi LLC · No. EDCV 25-01036-SPG(SHKx) · Decided September 4, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Paul Stemple to show cause why the action against Booksi LLC should not be dismissed for lack of prosecution. The order states that Plaintiff had not requested entry of default against a defendant that had not answered and permits Plaintiff to respond by seeking entry of default or dismissing the complaint.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Sherilyn Peace Garnett
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 4, 2025
DOCKET	EDCV 25-01036-SPG(SHKx)
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 failed to seek entry of default against a defendant that had not answered the complaint.
PRECEDENTIAL VALUE	Unpublished district-court procedural order; limited precedential value.
PARTIES	Paul Stemple v. Booksi LLC

TOPICS

- default
- civil procedure
- default judgment

PRACTICE AREAS

- civil procedure
- commercial litigation
- Telephone Consumer Protection Act

QUESTIONS PRESENTED

1. Whether the district court may order Plaintiff to show cause why the action should not be dismissed sua sponte for lack of prosecution.
2. Whether Plaintiff's failure to seek entry of default after Defendant failed to answer justified an order requiring Plaintiff to explain how the case should proceed.

HOLDINGS

1. The district court possesses inherent authority to dismiss an action for lack of prosecution on its own motion and may require Plaintiff to show cause why dismissal should not occur.
2. Where a defendant has not answered the complaint, Plaintiff may satisfy the order to show cause by seeking entry of default under Federal Rule of Civil Procedure 55(a) or by dismissing the complaint.

KEY QUOTATIONS

“Court has inherent power to dismiss for lack of prosecution on its own motion” (Order to Show Cause)

FACTUAL BACKGROUND

The defendant listed in the order had not answered the complaint. Plaintiff had not requested entry of default under Federal Rule of Civil Procedure 55(a), prompting the court to issue an order to show cause concerning dismissal for lack of prosecution.

PROCEDURAL HISTORY

Plaintiff filed this civil action, and Defendant Booksi LLC did not answer the complaint. Plaintiff also failed to request entry of default under Federal Rule of Civil Procedure 55(a). The court, on its own motion, ordered Plaintiff to show cause in writing by September 18, 2025, why the action should not be dismissed for lack of prosecution.

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. EDCV 25-01036-SPG(SHKx) Date September 4, 2025 Ti Paul Stemple v. Booksi LLC et al itle a Present: The Honorable SHERILYN PEACE GARNETT UNITED STATES DISTRICT JUDGE Patricia Gomez Not Reported Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiff: Attorneys Present for Defendants: Not Present Not Present Proceeding: [In Chambers] Order To Show Cause Re: Dismissal for Lack of

Prosecution Plaintiff is 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 has not been met. Accordingly, the Court, on its own motion, orders Plaintiff to show cause, in writing, on or before September 18, 2025, why this action should not be dismissed for lack of prosecution. This matter will stand submitted upon the filing of Plaintiffs response.

See Fed. R. Civ. P. 78. Failure to respond will be deemed consent to the dismissal of the action. Defendant listed below did not answer the complaint, yet Plaintiff has failed to request entry of default, pursuant to Fed. R. Civ. P. 55(a). Plaintiff can satisfy this order by seeking entry of default or by dismissing the complaint. e Booksi LLC IT IS SO ORDERED.

00 00 Initials of Preparer pg