

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Toinesha L. Swim v. IC Systems, Inc.

Swim v. IC Systems · No. EDCV 22-546 JGB (SPx) · Decided March 7, 2023

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 ordered the plaintiff to explain by March 10, 2023, why the action should not be dismissed under Federal Rule of Civil Procedure 41(b), and stated that failure to respond would result in dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Jesus G. Bernal
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 7, 2023
DOCKET	EDCV 22-546 JGB (SPx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court sua sponte issued an order to show cause why the action should not be dismissed for lack of prosecution.
PRECEDENTIAL VALUE	unpublished

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure

QUESTIONS PRESENTED

- Whether the district court could sua sponte require the plaintiff to show cause why the action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. Under Federal Rule of Civil Procedure 41(b), a district court may dismiss an action sua sponte for failure to prosecute, failure to comply with the Federal Rules of Civil Procedure, or failure to comply with the court's orders; the court therefore could order plaintiff to show cause why the action should not be dismissed for lack of prosecution.

KEY QUOTATIONS

“may act sua sponte to dismiss a suit for failure to prosecute” (Page 1)

FACTUAL BACKGROUND

The opinion states that plaintiff appeared to have abandoned her suit. Based on that apparent abandonment, the district court ordered plaintiff to explain why the action should not be dismissed for lack of prosecution.

PROCEDURAL HISTORY

The case was pending in the Central District of California. The court concluded that the plaintiff appeared to have abandoned the action and ordered her to show cause in writing by March 10, 2023, why the case should not be dismissed for lack of prosecution.

DISPOSITION

other

CASES CITED

- Chambers v. NASCO, Inc., 501 U.S. 32, 44 (1991)

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