

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Senay Kenfe v. NewRez LLC, et al.

Kenfe · No. 2:25-cv-02050-MRA-JC · Decided November 14, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Senay Kenfe to show cause why the action should not be dismissed without prejudice for lack of prosecution and failure to comply with court orders. The court cited repeated failures by Plaintiff and counsel to appear at noticed hearings and required declarations explaining the failures and describing efforts to prosecute the action.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Monica Ramirez Almadani
JURISDICTION	United States District Court for the Central District of California
DECIDED	November 14, 2025
DOCKET	2:25-cv-02050-MRA-JC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff commenced the action in Los Angeles County Superior Court, defendants removed it to federal court, and the district court issued an order to show cause why the action should not be dismissed without prejudice for lack of prosecution and failure to comply with court orders.
STANDARD OF REVIEW	Abuse of discretion governs dismissal for lack of prosecution under Federal Rule of Civil Procedure 41(b), as reflected in the court's citation to Sullivan v. Burkland.
PRECEDENTIAL VALUE	Unknown; district court order to show cause with no reporter citation.

TOPICS

- sanctions
- motions to dismiss
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff should be required to show cause why the action should not be dismissed without prejudice for lack of prosecution and failure to comply with court orders.
2. Whether counsel may be relieved as attorney of record without a written motion for withdrawal and leave of court under Local Rule 83-2.3.2.

HOLDINGS

1. Plaintiff was ordered to show cause in writing why the action should not be dismissed without prejudice because plaintiff repeatedly failed to appear at court-ordered hearings, thereby delaying the litigation and expending judicial resources.
2. The court could not terminate Velasco or Greenacre Law, LLP as counsel of record absent a written motion by Velasco requesting termination and leave of court.

KEY QUOTATIONS

“An attorney may not withdraw as counsel except by leave of court.”

“Where the plaintiff fails to appear in answer to a noticed hearing on a motion . . . , the district court did not abuse its discretion in dismissing for lack of prosecution.”

FACTUAL BACKGROUND

Plaintiff failed to appear at three separately noticed hearings concerning counsel's repeated motions to withdraw. Those failures occurred despite court orders requiring plaintiff's appearance and halted the progress of the litigation. Counsel served plaintiff with notice of the final hearing by mail and email, but plaintiff still failed to appear.

PROCEDURAL HISTORY

Plaintiff filed the action in Los Angeles County Superior Court on January 30, 2025, and defendants removed it on March 7, 2025. After removal, plaintiff's counsel filed repeated motions to withdraw, and plaintiff and counsel repeatedly failed to appear at hearings despite court orders. The court ultimately granted Guerrero's motion to withdraw but noted that Cynthia Velasco remained counsel of record. The court ordered plaintiff to show cause in writing by November 26, 2025, why the action should not be dismissed without prejudice for lack of prosecution.

DISPOSITION

other

CASES CITED

- Sullivan v. Burkland, 105 F.3d 666 (9th Cir. 1996)

OPINION

Senay Kenfe v. NewRez LLC, et al.

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES — GENERAL

Case No. 2:25-cv-02050-MRA-JC Date November 14, 2025 Title Senay Kenfe v. NewRez LLC, et al. Present: The Honorable MONICA RAMIREZ ALMADANT, UNITED STATES DISTRICT JUDGE Melissa H. Kunig None Present Deputy Clerk Court Reporter Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED FOR LACK OF PROSECUTION AND FAILURE TO COMPLY WITH THE COURT'S ORDERS

Plaintiff commenced this action on January 30, 2025, in Los Angeles County Superior Court. ECF 1. Defendants removed the action to federal court on March 7, 2025. *Jd.* They filed an Answer on July 8, 2025. ECF 19. The Court thereafter issued an Order Setting the Scheduling Conference, calendaring the scheduling conference in this matter for September 8, 2025. ECF 21. On July 7, 2025, Plaintiff's counsel Josue Cristobal Guerrero ("Guerrero") filed an initial Motion to Withdraw as Plaintiff's attorney. ECF 18. On July 11, 2025, the Court clarified the date, time, and place of the hearing on the Motion and ordered that Plaintiff and Guerrero must appear at the hearing. ECF 20. Plaintiff and Guerrero failed to appear. ECF 22. The Court thereafter denied Guerrero's Motion to Withdraw and ordered Guerrero to show cause why sanctions should not be imposed. ECF 23. On August 19, 2024, Guerrero renewed the Motion to Withdraw. ECF 24. On August 21, 2025, the Court advanced the hearing to September 22, 2025, ordered Plaintiff and Guerrero to appear at the hearing, and further ordered Guerrero to file a revised Notice of Motion and proof of service of the revised Notice on Plaintiff. ECF 26. Guerrero filed a revised Notice of Motion, ECF 28, but Plaintiff and Guerrero once again failed to appear at the calendared hearing, ECF 30. Guerrero's renewed Motion to Withdraw was denied on the record. *Jd.* The Court sanctioned Guerrero for failing to appear at the hearing on the initial Motion to Withdraw and ordered Guerrero to show cause why further sanctions should not be imposed for failing to appear at the September 22, 2025, hearing. ECF 31. On October 10, 2025, Guerrero once more renewed the Motion to Withdraw. ECF 34. The Court again advanced the hearing to November 10, 2025, and ordered Plaintiff and Guerrero to appear at the hearing. ECF 36. On October 29, 2025, Guerrero filed a Notice of Advanced

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES — GENERAL

Case No. 2:25-cv-02050-MRA-JC Date November 14, 2025 Title Senay Kenfe v. NewRez LLC, et al. Hearing advising Plaintiff that he must appear in person at the hearing. ECF 37. Guerrero served the Notice on Plaintiff by mail to Plaintiffs last known address and by email to his last known email address. ECF 37. Guerrero appeared at the November 10, 2025, hearing; however, Plaintiff failed to appear. ECF 38. For the reasons stated on the record, the Court granted Guerrero's Motion to Withdraw, ordered Guerrero to serve the hearing minutes on Plaintiff and to file a proof of service within five court days, and sanctioned Guerrero for failing to appear at the September 22, 2025, hearing. Id. Notwithstanding Guerrero's Motions to Withdraw, Cynthia Velasco ("Velasco") of Greenacre Law, LLP ("Greenacre") remains Plaintiff's attorney of record in these proceedings. Although Guerrero and Velasco are both attorneys at Greenacre, Guerrero never requested leave for Velasco or Greenacre to be relieved as counsel. Indeed, the granted Motion to Withdraw only requested that Guerrero be terminated as Plaintiff's attorney. ECF 34-1. Velasco has not independently filed a motion to withdraw as Plaintiff's attorney. The Court is bound by the letter of Local Rule 83-2.3.2, which states in no uncertain terms that "[a]n attorney may not withdraw as counsel except by leave of court." Thus, absent a written motion made by Velasco requesting her termination, the Court cannot correct what appears to be Guerrero's oversight. Plaintiff has failed to appear as ordered by the Court on three separate occasions. Plaintiff's (and Guerrero's) repeated failures to appear as required has halted the progress of litigation and needlessly expended the Court's limited resources. "Where the plaintiff fails to appear in answer to a noticed hearing on a motion . . . , the district court did not abuse its discretion in dismissing for lack of prosecution." *Sullivan v. Burkland*, 105 F.3d 666 (9th Cir. 1996); see also Fed. R. Civ. P. 41(b). For the foregoing reasons, Plaintiff is ORDERED TO SHOW CAUSE in writing no later than November 26, 2025, why this action should not be dismissed for lack of prosecution. Specifically, Velasco shall lodge (a) a declaration of Plaintiff, averring why Plaintiff failed to appear at the three prior noticed hearings, and (b) a declaration of counsel, representing the steps taken to prosecute this action since it was removed to federal court. Failure to timely file an appropriate response shall result in dismissal of this action without prejudice. IT IS SO ORDERED. Initials of Deputy Clerk mku