

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Robert Mena v. Z And A Enterprises, Inc. et al.

Mena v. Z And A Enterprises, Inc. · No. SACV 24-00926-SRM (BFMx) · Decided May 28, 2025

SUMMARY

The United States District Court for the Central District of California ordered Plaintiff Robert Mena to show cause why the action should not be dismissed for lack of prosecution. The court noted that the deadline for Defendant to respond had passed and offered filing an entry of default request, a compliant stipulation extending the response deadline, or a voluntary dismissal as alternatives to a written response.

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	May 28, 2025
DOCKET	SACV 24-00926-SRM (BFMx)
DISPOSITION	other
PROCEDURAL POSTURE	The court issued an order to show cause why the action should not be dismissed for lack of prosecution after Plaintiff served the Complaint but took no action after Defendants' response deadline passed.
PRECEDENTIAL VALUE	unpublished
PARTIES	Robert Mena v. Z And A Enterprises, Inc. et al.

TOPICS

- civil procedure
- motions to dismiss
- default
- service of process

PRACTICE AREAS

- civil procedure
- employment and civil rights

QUESTIONS PRESENTED

1. Whether the court should require Plaintiff to show cause why the action should not be dismissed for lack of prosecution.
2. Whether the court may sua sponte dismiss an action for failure to prosecute under Federal Rule of Civil Procedure 41(b) and the court's inherent authority.

HOLDINGS

1. Because Defendants' response deadline had passed and Plaintiff had taken no action to advance the case, the court ordered Plaintiff to show cause in writing why the action should not be dismissed for lack of prosecution.
2. A federal district court may, under appropriate circumstances, dismiss an action sua sponte for lack of prosecution, including under Federal Rule of Civil Procedure 41(b) and the court's inherent authority.

KEY QUOTATIONS

“ “[I]t is the plaintiff's responsibility to move a case toward a merits disposition.” ” (at 1)

“ “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)

“ “It is within the inherent power of court to sua sponte dismiss a case for lack of prosecution.” ” (at 2)

FACTUAL BACKGROUND

Plaintiff filed a proof of service showing service on Defendants. The deadline for Defendants to respond to the Complaint passed, but Plaintiff took no further action to move the case forward.

PROCEDURAL HISTORY

Plaintiff filed the action and filed a proof of service. Defendants' deadline to respond to the Complaint passed without Plaintiff seeking entry of default, obtaining a stipulation extending the response deadline, or voluntarily dismissing the action. The court sua sponte ordered Plaintiff to respond by June 2, 2025, and warned that failure to respond could result in dismissal without further notice.

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)
- Helis 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)

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