

**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

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL Case No. SACV 24-00926-SRM (BFMx) Date May 28, 2025 Title Robert Mena v. Z And A Enterprises, Inc. et al Present: The Honorable SERENA R. MURILLO, UNITED STATES DISTRICT JUDGE Melissa H. Kunig Not Reported Deputy Clerk Court Reporter Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION “[I]t is the plaintiff's responsibility to move a case toward a merits disposition.” Thomas v. Kernan, 2019 WL 8888200, at *1 (C.D.

Cal. July 10, 2019) (citing *Morris v. Morgan Stanley & Co.*, 942 F.2d 648, 652 (9th Cir. 1991)). That includes, where applicable, promptly (a) filing stipulations a defendant’s time to respond to the complaint, (b) pursuing default and remedies under Federal Rule of Civil Procedure 55 when a defendant fails to timely respond to the complaint, or (c) dismissing a case the plaintiff has chosen not to pursue for any reason.

Here, Plaintiff has filed a proof of service, yet the deadline for Defendant to respond to the Complaint has passed and Plaintiff has taken no action. Accordingly, the court, on its own motion, hereby ORDERS Plaintiff to show cause in writing, no later than June 2, 2025, why this action should not be dismissed for lack of prosecution.

As an alternative to a written response by Plaintiff, the Court will consider as an appropriate response to this OSC the filing of one of the following on or before the above date: 1. Plaintiffs Request for Entry of Default as to all Defendants or Defendants’ Answer(s), 2. A stipulation extending Defendants’ time to respond to the Complaint that complies with Local Rule 8.3, or 3. notice of Voluntary Dismissal (Fed.

R. Civ. P. 41) as to a// Defendants. No oral argument of this matter will be heard unless ordered by the Court. The Order will submitted upon the filing of a timely and appropriate response. Failure to file a timely and appropriate response to this Order may result in dismissal without further notice or order from the court. Fed. R. Civ. P. 41(b); L. R. 41-6; *Link v. Wabash R.R.*, 370 U.S. 626, 629 (1962) (“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.”); *Helis Canyon Pres.*

Council v. U.S. Forest Serv., 403 F.3d UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES — GENERAL Case No. SACV 24-00926-SRM (BFMx) Date May 28, 2025 Title Robert Mena v. Z And A Enterprises, Inc. et al 683, 689 (9th Cir. 2005) (“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.”); Ash v. Cvetkov, 739 F.2d 493, 496 (9th Cir.

1984) (“It is within the inherent power of court to sua sponte dismiss a case for lack of prosecution.”). Initial of Deputy Clerk = mku