

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Cheyenne Clemens v. United States Postal Services

Clemens v. United States Postal Services · No. 2:25-cv-02247-SVW-PDx · Decided June 13, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause why the action should not be dismissed for lack of prosecution. The court found that Plaintiff had not filed proof of service on United States Postal Services within 90 days of filing the complaint and ordered a written response by June 27, 2025, under Federal Rule of Civil Procedure 4(m).

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stephen V. Wilson
DECIDED	June 13, 2025
DOCKET	2:25-cv-02247-SVW-PDx
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why the action should not be dismissed without prejudice for lack of prosecution based on the apparent failure to serve the defendant within 90 days after filing the complaint.
PRECEDENTIAL VALUE	Unknown; order to show cause issued in a district court civil case
PARTIES	Cheyenne Clemens v. United States Postal Services

TOPICS

service of process civil procedure

PRACTICE AREAS

civil procedure federal civil litigation

QUESTIONS PRESENTED

- Whether the court should require Plaintiff to show cause why the action should not be dismissed without prejudice for failure to serve the defendant within 90 days.

2. Whether Plaintiff may avoid dismissal by showing that service was timely effectuated or that good cause existed for the failure to serve.

HOLDINGS

1. Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed.
2. The district court may invoke its inherent power to dismiss an action for lack of prosecution on its own motion.

KEY QUOTATIONS

“Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a Defendant within 90 days after the complaint is filed.”

“Plaintiff(s) can satisfy this order by showing that service was effectuated within the 90 day deadline or by showing good cause for the failure to do so.”

FACTUAL BACKGROUND

Plaintiff filed a civil action against United States Postal Services. The court determined that Plaintiff had not filed proof showing service on that defendant within 90 days after the complaint was filed. The court therefore ordered Plaintiff to show cause why the case should not be dismissed for lack of prosecution.

PROCEDURAL HISTORY

The complaint was filed on March 13, 2025. The court found that no proof of service had been filed for United States Postal Services within 90 days and ordered Plaintiff to respond by June 27, 2025, either by showing timely service or good cause for the failure. The order states that failure to respond would be deemed consent to dismissal.

DISPOSITION

other

CASES CITED

- Link v. Wabash R. Co., 370 U.S. 626 (1962)

OPINION

Cheyenne Clemens v. United States Postal Services

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: 2:25-cv-02247-SVW-PDx Date: June 13, 2025 Title: Cheyenne Clemens v. United

States Postal Services et al Present: The Honorable STEPHEN V. WILSON, United States District Judge Daniel Tamayo N/A Deputy Clerk Court Reporter Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s): None Appearing None Appearing Proceedings: [In Chambers] Order To Show Cause Re: Dismissal for Lack of Prosecution Plaintiff(s) are 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(s) has not been met. Accordingly, the Court, on its own motion, orders Plaintiff(s) to show cause, in writing, on or before June 27, 2025, why this action should not be dismissed for lack of prosecution. This matter will stand submitted upon the filing of Plaintiff(s) response. See Fed. R. Civ. P. 78. Failure to respond will be deemed consent to the dismissal of the action. x Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a Defendant within 90 days after the complaint is filed. Plaintiff(s) have failed to file a proof of service within 90 days of the filing of the Complaint on the following Defendant(s): United States Postal Services Plaintiff(s) can satisfy this order by showing that service was effectuated within the 90 day deadline or by showing good cause for the failure to do so. Fed. R. Civ. P. 4(m). IT IS SO ORDERED. CV-90 (12/02) CIVIL MINUTES - GENERAL Initials of Deputy Clerk CB