

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

FPG California, Inc. v. Omega Funeral Home

No. CV 25-11786 FMO (RAOx), United States District Court for the Central District of California (January 13, 2026)

SUMMARY

The United States District Court for the Central District of California issued an order to show cause regarding possible dismissal for lack of prosecution. The court directed the plaintiff to respond by January 20, 2026, by filing an answer or an application for entry of default as to all defendants. The order cites Federal Rules of Civil Procedure 4(m), 12(a), 41(b), and 78(b), as well as Local Rule 41.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	January 13, 2026
DOCKET	CV 25-11786 FMO (RAOx)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause directing the plaintiff to explain why the action should not be dismissed for lack of prosecution based on the apparent failure to timely serve defendants or obtain responsive pleadings.
PRECEDENTIAL VALUE	Unpublished district court order to show cause; limited persuasive value.

TOPICS

- service of process
- default
- civil procedure
- pleadings

PRACTICE AREAS

- Civil procedure
- Federal litigation
- Service of process
- Failure to prosecute

QUESTIONS PRESENTED

1. Whether the action should be dismissed for lack of prosecution because the summons and complaint apparently were not timely served or defendants had not timely responded.
2. Whether plaintiff should be required to show cause and either demonstrate good cause, obtain an answer, or seek entry of default.

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. Generally, a defendant must answer the complaint within 21 days after service, or within 60 days if the defendant is the United States.
3. The court may dismiss an action before the 90-day service period expires if the plaintiff has not diligently prosecuted the action.
4. When serving individuals or business entities in a foreign country, the plaintiff must exercise all reasonable diligence and attempt service within the 90-day period.

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.”

“Failure to file a timely response to this Order to Show Cause shall result in the action or the above defendant(s) being dismissed for lack of prosecution and for failure to comply with the orders of the court.”

FACTUAL BACKGROUND

The action was pending before the Central District of California, and the court determined that one or more defendants apparently had not been timely served or had not filed responsive pleadings. The court also indicated that the plaintiff may not have diligently prosecuted the case. No merits facts were addressed.

PROCEDURAL HISTORY

Plaintiff filed the action, but the court determined that one or more applicable service or responsive-pleading deadlines apparently had not been met. The court ordered plaintiff to respond in writing by January 20, 2026, either by showing good cause, filing an answer-related submission, or applying for entry of default. The order warned that failure to respond timely would result in dismissal for lack of prosecution and failure to comply with court orders.

DISPOSITION

other

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S. Ct. 1386, 1388 (1962)

OPINION

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA CIVIL MINUTES - GENERAL Case No. CV 25-11786 FMO (RAOx) Date January 13, 2026 Title FPG California, Inc. v. Omega Funeral Home Present: The Honorable — Fernando M. Olguin, United States District Judge Vanessa Figueroa None Present Deputy Clerk Court Reporter / Recorder Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present Proceedings: (In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution 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.

Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a). The court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action. With respect to service of individuals and/or business entities in a foreign country, plaintiff shall exercise all reasonable diligence and attempt service within the 90-day time period.

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before January 20, 2026, why this action should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), the court finds that this matter is appropriate for submission without oral argument.

The Order to Show Cause will stand submitted upon the filing of: 7 An answer by the following defendant(s): ALL DEFENDANTS 7 Plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a): ALL DEFENDANTS on or before the date indicated above. Failure to file a timely response to this Order to Show Cause shall result in the action or the above defendant(s) being dismissed for lack of prosecution and for failure to comply with the orders of the court.

See Local Rule 41; Fed. R. Civ. P. 4 & 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962). 00: 00 Initials of Preparer vdr