UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Loretta McGrath v. Experian Information Solutions, Inc., et al.

McGrath · No. 2:25-cv-06812-MRA-DFM · Decided January 6, 2026

SUMMARY

The court orders pro se plaintiff Loretta McGrath to cure deficiencies in her request for issuance of summonses or voluntarily dismiss the action. The order requires Plaintiff, within 28 days, to file a renewed request for summonses and proofs of service or face dismissal for lack of prosecution under Federal Rule of Civil Procedure 41(b) and the court's local rules.

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	January 6, 2026
DOCKET	2:25-cv-06812-MRA-DFM
DISPOSITION	other
PROCEDURAL POSTURE	Order directing a pro se plaintiff to cure deficiencies in her request for issuance of summons or voluntarily dismiss the action, and warning that failure to act would result in dismissal for lack of prosecution.
STANDARD OF REVIEW	The court exercised its authority under Federal Rules of Civil Procedure 4(m) and 41(b) to require timely service and to dismiss sua sponte for failure to prosecute if Plaintiff did not act.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.
PARTIES	Loretta McGrath v. Experian Information Solutions, Inc., Equifax Information Services, LLC, Transunion, LLC, American Express Company, Mission Lane, Mariner Finance, Plaza Services, Resurgent Capital Services, Westlake Financial, Synchrony Bank SYNCB/Amazon

TOPICS

service of process · credit reporting · civil procedure

PRACTICE AREAS

civil procedure · Fair Credit Reporting Act · service of process · failure to prosecute

QUESTIONS PRESENTED

1. Whether Plaintiff's deficient request for issuance of summons prevented service of process from being effectuated.
2. Whether the court could require Plaintiff to correct the summons deficiencies and file proofs of service within a specified period or face dismissal for lack of prosecution.

HOLDINGS

1. Because Plaintiff had not corrected the Clerk-identified deficiencies in her request for issuance of summons, service against the defendants could not be effectuated.
2. The court could require Plaintiff to cure the summons deficiencies and file proofs of service within 28 days, voluntarily dismiss under Rule 41(a), or face dismissal for lack of prosecution if she took no action.

KEY QUOTATIONS

> *"If a defendant is not served within 90 days after the complaint is filed, the court, on its own, must dismiss the action without prejudice against that Defendant or order that service be made within a specified time."*

> *"Unless and until Plaintiff corrects these deficiencies, service against Defendants cannot be effectuated."*

FACTUAL BACKGROUND

McGrath proceeded pro se in a Fair Credit Reporting Act action against consumer-reporting agencies and several creditors or financial companies. She filed an amended complaint and a request for issuance of summons, but the Clerk identified deficiencies, including improperly designated defendant addresses. McGrath responded to an order to show cause but did not correct the summons deficiencies, preventing service from being effectuated.

PROCEDURAL HISTORY

Plaintiff filed this Fair Credit Reporting Act action on July 22, 2025, and filed a First Amended Complaint on August 28, 2025, naming multiple defendants. The Clerk identified deficiencies in Plaintiff's request for issuance of summons, including failure to properly designate defendants' addresses. After Plaintiff failed to cure those deficiencies in response to an order to show cause for lack of prosecution, the court ordered her to file a corrected request for summons and proofs of service within 28 days or voluntarily dismiss the action.

DISPOSITION

other

CASES CITED

- Link v. Wabash R. Co., 370 U.S. 626, 630 (1962)

OPINION

CIVIL MINUTES – GENERAL Case No. 2:25-cv-06812-MRA-DFM Date January 6, 2026 Title Loretta McGrath v. Experian Information Solutions, Inc., et al. Present: The Honorable MONICA RAMIREZ ALMADANI, 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 CURE DEFICIENCIES IN REQUEST FOR SUMMONS OR SHOW CAUSE FOR LACK OF PROSECUTION Plaintiff Loretta McGrath ("Plaintiff" or "McGrath"), proceeding pro se, initiated this Fair Credit Reporting Act case on July 22, 2025.

ECF 1. On August 28, 2025, Plaintiff filed a First Amended Complaint ("FAC") in which she named Experian Information Solutions, Inc., Equifax Information Services, LLC, Transunion, LLC, American Express Company, Mission Lane, Mariner Finance, Plaza Services, Resurgent Capital Services, Westlake Financial, and Synchrony Bank SYNCB/Amazon as Defendants. ECF 12.

On the same day Plaintiff filed the FAC, she filed a Request for the Clerk to Issue Summons on Defendants. ECF 14. On September 4, 2025, the Clerk identified multiple deficiencies in the Request to Issue Summons, including Plaintiff's failure to properly designate Defendants' addresses. ECF 15.

On October 24, 2025, the Court issued an Order to Show Cause for Lack of Prosecution.1 ECF 16. On October 30, 2025, Plaintiff responded to the Order to Show Cause but did not address the deficiencies in the Request to Issue Summons. ECF 17. Federal Rule of Civil Procedure ("Rule") 4 sets forth the requirements for service of process.

Under Rule 4, a plaintiff must serve a defendant with a summons along with a copy of the complaint. Fed. R. Civ. P. 4(c)(1). The summons must contain specific information, and it must be signed by the clerk and bear the court's seal. Id. 4(a).

Under the Local Rules, the summons must be prepared using an approved form of summons available on the district's website (cacd.uscourts.gov). L.R. 4-1. In general, once the Clerk has issued a summons, the summons and a copy of the complaint must be served on a defendant by a person who is at least 18 years of age and not a party to the case within 90 days of the filing of the complaint.

Fed. R. Civ. P. 4(c)(1)-(2), (m). A plaintiff is "responsible for having the summons and complaint served within 1 At the time, this case was before a different district judge. On December 9, 2025, the CIVIL MINUTES – GENERAL Case No. 2:25-cv-06812-MRA-DFM Date January 6, 2026

Title Loretta McGrath v. Experian Information Solutions, Inc., et al. the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.” Id. 4(c)(1).

If a defendant is not served within 90 days after the complaint is filed, the court, on its own, must dismiss the action without prejudice against that Defendant or order that service be made within a specified time. Id. 4(m).

Here, Plaintiff has not corrected the identified deficiencies in the Request to Issue Summons. Unless and until Plaintiff corrects these deficiencies, service against Defendants cannot be effectuated. Accordingly, the court ORDERS Plaintiff to do one of the following: 1) Cure the deficiencies identified by the Clerk and file a renewed Request to Issue Summons on all Defendants and file proofs of service on all Defendants within 28 days from the date of this Order; or 2) Voluntarily dismiss this action under Federal Rule of Civil Procedure 41(a).

If Plaintiff does not take any action within 28 days of the issuance of this Order, this action shall be dismissed for lack of prosecution. See Fed. R. Civ. Pro. 41(b); L.R. 41-1; Link v. Wabash R. Co., 370 U.S. 626, 630 (1962) (recognizing “inherent power” of district court to dismiss sua sponte for lack of prosecution). IT IS SO ORDERED. Initials of Deputy Clerk mku