

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bloom Fresh International Limited v. Jesse Solorio, et al.

Bloom Fresh · No. 1:25-cv-01305-JLT-CDB · Decided December 31, 2025

SUMMARY

The United States District Court for the Eastern District of California ordered Bloom Fresh International Limited to show cause within seven days why two organizational defendants should not be dismissed for failure to timely serve them under Federal Rule of Civil Procedure 4(m). The court also directed Plaintiff to apply for entry of default against Jesse Solorio and to file a motion for default judgment within 30 days after entry of default. The order is dated December 31, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 31, 2025
DOCKET	1:25-cv-01305-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why two organizational defendants should not be dismissed for failure to timely serve them and directed the plaintiff to apply for entry of default and later move for default judgment against Jesse Solorio.
STANDARD OF REVIEW	The court applied Federal Rule of Civil Procedure 4(m) and its inherent docket-control and sanctions authority.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not identified
PARTIES	Bloom Fresh International Limited v. Jesse Solorio, Del Sol Produce Sales, Inc., Jesse Solorio & Sons Cold Storage, Inc., Crescensio A. Mena, Patricio A. Mena

TOPICS

- service of process
- default judgment
- default
- sanctions
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether plaintiff should be required to show cause why the two organizational defendants should not be dismissed without prejudice for failure to serve them within the time required by Federal Rule of Civil Procedure 4(m) and the court's prior order.
2. Whether plaintiff should be directed to apply for entry of default against Jesse Solorio and subsequently move for default judgment.

HOLDINGS

1. The court could not presume that service on Jesse Solorio completed service on Del Sol Produce Sales, Inc. and Jesse Solorio & Sons Cold Storage, Inc.; executed summonses or other proof of service was required for the organizational defendants.
2. When a defendant is not served within 90 days after the complaint is filed, the court must dismiss the action without prejudice against that defendant or order service within a specified time; absent good cause, failure to comply with Rule 4(m) requires dismissal of an unserved defendant.
3. Because Solorio had apparently failed to file a responsive pleading or otherwise appear, plaintiff was directed to apply for entry of default and, if default were entered, to file a motion for default judgment within 30 days.

KEY QUOTATIONS

“If a defendant is not served within 90 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” (at 1)

FACTUAL BACKGROUND

Bloom Fresh International Limited sued Jesse Solorio and four additional defendants, including two organizational defendants. Although the docket reflected service on Solorio, plaintiff had not filed executed summonses or other proof showing service on Del Sol Produce Sales, Inc. or Jesse Solorio & Sons Cold Storage, Inc. Ninety days had elapsed since the complaint was filed, and Solorio had not filed a responsive pleading or otherwise appeared.

PROCEDURAL HISTORY

Plaintiff filed the complaint on October 2, 2025. The court directed plaintiff to diligently pursue service and file proofs of service, but after 90 days plaintiff had not filed proof of service or an explanation concerning service on the organizational defendants. The court noted that Solorio had been served but had not filed a responsive pleading or otherwise appeared, and issued the present order.

DISPOSITION

CASES CITED

- *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir. 2000)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 BLOOM FRESH INTERNATIONAL Case No. 1:25-cv-01305-JLT-CDB
LIMITED, 12 ORDER TO SHOW CAUSE WHY Plaintiff, UNSERVED DEFENDANTS
SHOULD NOT 13 BE DISMISSED FOR PLAINTIFF’S v. FAILURE TO COMPLY WITH THE
14 COURT’S ORDERS AND FED. R. CIV. P. JESSE SOLORIO, et al., 4(m) 15 Defendants.

ORDER DIRECTING PLAINTIFF TO 16 APPLY FOR ENTRY OF DEFAULT AND TO MOVE
FOR DEFAULT JUDGMENT 17 7 Day Deadline 18 19 Plaintiff Bloom Fresh International
Limited (“Plaintiff”) initiated this action with the filing 20 of a complaint against Defendants Jesse
Solorio, Del Sol Produce Sales, Inc., Jesse Solorio & Sons 21 Cold Storage, Inc., Crescensio A.
Mena, and Patricio A. Mena (collectively, “Defendants”) on 22 October 2, 2025.

(Doc. 1). The next day, the Court entered an order setting a mandatory 23 scheduling conference
and directed Plaintiff to “diligently pursue service of summons and 24 complaint” and “promptly
file proofs of service.” (Doc. 5 at 1).

The order further advised Plaintiff 25 that failure to timely complete service “may result in the
imposition of sanctions, including the 26 dismissal of unserved defendants.” *Id.* 27 To date, it has
been 90 days since Plaintiff filed its complaint and Plaintiff has not filed 28 proof of service nor
any report setting forth an explanation for the failure to serve organizational 1 Defendants Del Sol
Produce Sales, Inc. and Jesse Solorio & Sons Cold Storage, Inc. 2 (“organizational Defendants”).

Although Plaintiff pleads on information and belief that Defendant 3 Jesse Solorio operates and
owns the organizational Defendants (Doc. 1 ¶¶ 8-9), the Court cannot 4 presume that service
effected as to Defendant Jess Solorio (Doc. 6) constitutes completed service 5 as to the
organizational Defendants without the return of summonses returned executed and/or 6 other form
of proof of service.

7 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules 8 or
with any order of the Court may be grounds for imposition by the Court of any and all 9
sanctions...within the inherent power of the Court.” The Court has the inherent power to control
10 its docket and may, in the exercise of that power, impose sanctions where appropriate,
including 11 dismissal of the action.

Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000). 12 In addition, Rule 4(m) of the Federal Rules of Civil Procedure provides: “If a defendant is 13 not served within 90 days after the complaint is filed, the court - on motion or on its own after 14 notice to the plaintiff - must dismiss the action without prejudice against that defendant or order 15 that service be made within a specified time.” Fed.

R. Civ. P. 4(m). Absent a showing of good 16 cause, failure to comply with Rule 4(m) requires dismissal of any unserved defendant. 17 Accordingly, the Court will order Plaintiff to show cause what the organizational 18 Defendants should not be dismiss under Rule 4(b). 19 Separately, because it appears from the docket that Defendant Jesse Solorio has failed to 20 file a responsive pleading (see Doc.

6) or otherwise appear in the action, the Court will order 21 Plaintiff to apply to the Clerk of the Court for entry of default and thereafter to file a motion for 22 default judgment. 23 Conclusion and Order 24 Based on the foregoing, it is HEREBY ORDERED that, within seven (7) days of entry of 25 this order, Plaintiff SHALL show cause in writing why Defendants Del Sol Produce Sales, Inc. 26 and Jesse Solorio & Sons Cold Storage, Inc., should not be dismissed for Plaintiff’s failure to serve 27 the summons and complaint in a timely manner under the Court’s orders and Rule 4(m).

28 And it is FURTHER ORDERED that, within seven (7) days of entry of this order, Plaintiff 1 || SHALL file an application for entry of default against Defendant Jesse Solorio, and within 30 days 2 || of any entry of default by the Clerk of the Court, Plaintiff SHALL file and serve upon Defendant 3 || Jesse Solorio a motion for default judgment identifying therein the noticed hearing date and 4 || informing Defendant of his right to file an opposition and appear for the motion hearing.

5 || IT IS SO ORDERED. 6 Dated: _ December 31, 2025 | Ww Vv Ry 7 UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28