

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PRECEDENTIAL VALUE	unpublished district court order; precedential status not identified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

other

CASES CITED

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

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