

**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

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