

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Daniel Antonio Garcia Diaz v. Joseph M. Hackbarth et al.

Garcia Diaz · No. 5:25-cv-00723-MRA-SP · Decided January 28, 2026

SUMMARY

The United States District Court for the Central District of California dismissed the pro se plaintiff's action without prejudice for lack of prosecution and failure to comply with court orders. The dismissal followed the plaintiff's failure to serve the amended complaint and failure to respond by the extended deadline to an order to show cause.

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 28, 2026
DOCKET	5:25-cv-00723-MRA-SP
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed Plaintiff's action without prejudice sua sponte for lack of prosecution and failure to comply with court orders after Plaintiff failed to serve Defendants and failed to respond to an order to show cause by the extended deadline.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- civil procedure
- service of process
- immigration

PRACTICE AREAS

- civil procedure
- immigration

QUESTIONS PRESENTED

- Whether the district court could dismiss the action sua sponte without prejudice for lack of prosecution and failure to comply with court orders when Plaintiff failed to serve Defendants and failed to respond to

an order to show cause.

HOLDINGS

1. The district court may dismiss an action without prejudice for lack of prosecution and failure to comply with court orders when the plaintiff fails to serve the defendants and fails to respond to an order to show cause by the court-ordered deadline.

FACTUAL BACKGROUND

Plaintiff filed an action against Joseph M. Hackbarth and United States Citizenship and Immigration Services. Although Plaintiff filed an Amended Complaint on August 22, 2025, he did not serve Defendants. Plaintiff also failed to comply with a January 16, 2026 deadline to substantively respond to an order to show cause and did not file proofs of service.

PROCEDURAL HISTORY

Plaintiff filed the action pro se on March 16, 2025. After receiving an extension to amend, Plaintiff filed an Amended Complaint but did not serve Defendants. The Court issued orders to show cause, granted another extension after Plaintiff cited a familial health emergency, and then dismissed the action when Plaintiff failed to respond by January 16, 2026 and did not file proofs of service or explain the lack of service.

DISPOSITION

dismissed

CASES CITED

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

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