

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PRECEDENTIAL VALUE	unpublished district court order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)

OPINION

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

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA J S-6

CIVIL MINUTES — GENERAL

Case No. 5:25-cv-00723-MRA-SP Date January 28, 2026 Title Daniel Antonio Garcia Diaz v. Joseph M. Hackbarth et al. Present: The Honorable MONICA RAMIREZ ALMADANT, 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 DISMISSING ACTION WITHOUT PREJUDICE FOR LACK OF PROSECUTION

Plaintiff Daniel Antonio Garcia Diaz (‘Plaintiff’) filed this action pro se against Joseph M. Hackbarth and United States Citizenship and Immigration Services (collectively, “Defendants”) on

March 16, 2025. ECF 1. On June 10, 2025, Plaintiff requested an extension of time to amend his Complaint, which the Court granted. ECF 9,10. Plaintiff did not file his amended complaint by the new deadline. On August 12, 2025, the Court ordered Plaintiff to show cause in writing why this action should not be dismissed for lack of prosecution. ECF 11. On August 22, 2025, Plaintiff filed his Amended Complaint. ECF 12. Plaintiff, however, did not serve Defendants with the Amended Complaint. As a result, on December 4, 2025, the Court once again ordered Plaintiff to show cause in writing why the action should not be dismissed for lack of prosecution. ECF

13. On December 15, 2025, Plaintiff responded, requesting an extension due to a familial health emergency. ECF 14. The Court granted the extension and required that Plaintiff substantively respond to the Order to Show Cause by January 16, 2026. ECF 15. Plaintiff did not file a response by that deadline, and Plaintiff did not file proofs of service or otherwise explain why service has not yet been completed. Accordingly, the Court ORDERS that this action be dismissed without prejudice for lack of prosecution and for failure to comply with orders of the Court. 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). The Court’s Order to Show Cause (ECF 13, 15) is hereby DISCHARGED. IT ISSO ORDERED. Initials of Deputy Clerk mku