

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Spoon Co., Ltd. v. Go Tuning Unlimited, LLC

Spoon Co. · No. 8:25-cv-01451-FWS-JDE · Decided August 12, 2025

SUMMARY

The United States District Court for the Central District of California issued an order to show cause why Spoon Co., Ltd.'s action against Go Tuning Unlimited, LLC should not be dismissed for lack of prosecution. The court directed Plaintiff to respond by August 14, 2025, or alternatively file a request for entry of default, a compliant stipulation extending the response deadline, or a notice of voluntary dismissal.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fred W. Slaughter
DECIDED	August 12, 2025
DOCKET	8:25-cv-01451-FWS-JDE
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why the action should not be dismissed for lack of prosecution after Plaintiff filed proof of service, Defendant's response deadline passed, and Plaintiff took no further action.
STANDARD OF REVIEW	The court considered its authority to dismiss sua sponte for lack of prosecution under Federal Rule of Civil Procedure 41(b), Local Rule 41-6, and its inherent authority.
PRECEDENTIAL VALUE	Unpublished district court order; not reported in a standard reporter.
PARTIES	Spoon Co., Ltd. v. Go Tuning Unlimited, LLC

TOPICS

- civil procedure
- motions to dismiss
- default
- service of process

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the court should require Plaintiff to show cause why the action should not be dismissed for lack of prosecution.
2. Whether Plaintiff's failure to take action after Defendant's response deadline passed could support a sua sponte dismissal under Federal Rule of Civil Procedure 41(b), Local Rule 41-6, and the court's inherent authority.

HOLDINGS

1. A federal district court may sua sponte require a plaintiff to show cause why an action should not be dismissed for lack of prosecution when the plaintiff fails to move the case toward a merits disposition.
2. Plaintiff could respond to the order to show cause by filing a request for entry of default, a compliant stipulation extending Defendant's response time, or a notice of voluntary dismissal.

KEY QUOTATIONS

"[I]t is the plaintiff's responsibility to move a case toward a merits disposition."

"The authority of a federal trial court to dismiss a plaintiff's action with prejudice because of his failure to prosecute cannot seriously be doubted." (629)

"[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances." (689)

"It is within the inherent power of court to sua sponte dismiss a case for lack of prosecution." (496)

FACTUAL BACKGROUND

Plaintiff filed a proof of service showing service on Defendant. Defendant's deadline to respond to the Complaint had passed, but Plaintiff had not sought entry of default, stipulated to an extension of time, or otherwise taken action to move the case forward.

PROCEDURAL HISTORY

Plaintiff commenced the action and filed a proof of service. After Defendant's deadline to respond to the Complaint passed without Plaintiff pursuing default, obtaining an extension, or voluntarily dismissing the action, the court sua sponte ordered Plaintiff to show cause in writing by August 14, 2025 why the case should not be dismissed for lack of prosecution.

DISPOSITION

other

CASES CITED

- Thomas v. Kernan, 2019 WL 8888200, at *1 (C.D. Cal. July 10, 2019)
- Morris v. Morgan Stanley & Co., 942 F.2d 648, 652 (9th Cir. 1991)

- Link v. Wabash R.R., 370 U.S. 626, 629 (1962)
- Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005)
- Ash v. Cvetkov, 739 F.2d 493, 496 (9th Cir. 1984)

OPINION

Spoon Co., Ltd. v. Go Tuning Unlimited, LLC

PER CURIAM.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES — GENERAL

Case No. 8:25-cv-01451-FWS-JDE Date August 12, 2025 Title Spoon Co., Ltd. v. Go Tuning Unlimited, LLC Present: The Honorable FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE Rolls Royce Paschal Not Reported Deputy Clerk Court Reporter Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present Proceedings: (INCHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL FOR LACK OF PROSECUTION

“[I]t is the plaintiff’s responsibility to move a case toward a merits disposition.” Thomas v. Kernan, 2019 WL 8888200, at *1 (C.D. Cal. July 10, 2019) (citing Morris v. Morgan Stanley & Co., 942 F.2d 648, 652 (9th Cir. 1991)). That includes, where applicable, promptly (a) filing stipulations a defendant’s time to respond to the complaint, (6) pursuing default and remedies under Federal Rule of Civil Procedure 55 when a defendant fails to timely respond to the complaint, or (c) dismissing a case the plaintiff has chosen not to pursue for any reason. Here, Plaintiff has filed a proof of service, yet the deadline for Defendant to respond to the Complaint has passed and Plaintiff has taken no action. Accordingly, the court, on its own motion, hereby ORDERS Plaintiff to show cause in writing, no later than August 14, 2025, why this action not be dismissed for lack of prosecution. As an alternative to a written response by Plaintiff, Court will consider as an appropriate response to this OSC the filing of one of the following on or before the above date:

1. Plaintiff’s Request for Entry of Default as to a// Defendants or Defendants’ Answer(s),
2. A stipulation extending Defendants’ time to respond to the Complaint that complies with Local Rule 8.3, or
3. A notice of Voluntary Dismissal (Fed. R. Civ. P. 41) as to a// Defendants.

No oral argument of this matter will be heard unless ordered by the Court. The Order will be submitted upon the filing of a timely and appropriate response. Failure to file a timely and appropriate response to this Order may result in dismissal without further notice or order from the court. Fed. R. Civ. P. 41(b); L. R. 41-6; Link v. Wabash R.R., 370 U.S. 626, 629 (1962) (“The authority of a federal trial court to dismiss a plaintiff’s action with prejudice because of his failure to prosecute cannot seriously be doubted.”); Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES — GENERAL

Case No. 8:25-cv-01451-FWS-JDE Date August 12, 2025 Title Spoon Co., Ltd. v. Go Tuning Unlimited, LLC 683, 689 (9th Cir. 2005) (“[C]ourts may dismiss under Rule 41(b) sua sponte, at least under certain circumstances.”); Ash v. Cvetkov, 739 F.2d 493, 496 (9th Cir. 1984) (“It is within the inherent power of court to sua sponte dismiss a case for lack of prosecution.”). Initial of Deputy Clerk rrp