

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	<b>CV 13-3983 FMO (MANx)</b>	Date	<b>August 14, 2014</b>
Title	<b>United Van Lines LLC, et al. v. Jeremy Brown, et al.</b>		

Present: The Honorable	<b>Fernando M. Olguin, United States District Judge</b>		
	<b>Vanessa Figueroa</b>		<b>None Present</b>
	Deputy Clerk		Court Reporter / Recorder
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
	None Present		None Present

**Proceedings: (In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution**

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 120 days after the complaint is filed. Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a). The court may dismiss the action prior to the 120 days, however, if plaintiff(s) has/have not diligently prosecuted the action.

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders **Jeremy Brown** ("Brown") to show cause in writing on or before **August 22, 2014**, why his counterclaims against Michael Jacobs should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), the court finds this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of Brown's response. If Brown files an application for entry of default pursuant to Fed. R. Civ. P. 55(a) against Michael Jacobs on or before the date indicated above, the court will consider this a satisfactory response to the Order to Show Cause. Failure by Brown to timely apply for entry of default shall result in dismissal of his counterclaims against Michael Jacobs for lack of prosecution and/or failure to comply with a court order. See Fed. R. Civ. P. 41(b); Link v. Wabash R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

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 Initials of Preparer vdr  
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