

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **CV 16-4297 FMO (AGRx)** Date **July 28, 2016**

Title **Design Collection, Inc. v. Going Out, Inc. et al.**

Present: The Honorable **Fernando M. Olguin, United States District Judge**

Julieta Lozano

None Present

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 90 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 90 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 plaintiff(s) to show cause in writing on or before **August 5, 2016**, why this action should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), the court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of plaintiff's response, if plaintiff/defendant files

- Proof(s) of service of summons and complaint on the following defendant(s):
- An answer by the following defendant(s): **Going Out, Inc.** and **J and D Fashion.**
- Plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a): **Going Out, Inc.** and **J and D Fashion.**
- Plaintiff's motion for default judgment pursuant to Fed. R. Civ. P. 55(b):

on or before the date indicated above, the court will consider this a satisfactory response to the Order to Show Cause. Failure to file a timely response to this Order to Show Cause may result in the action being dismissed for lack of prosecution and for failure to comply with the orders of the court, pursuant to Local Rule 41.

Initials of Preparer

jloz