Mario Israel Avina v. M. Susan M. Curda Doc. 5

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-493-GW (MRWx)	Date	June 23, 2017
Title	*Mario Israel Avina v. M. Susan M. Curda*		

Present: The Honorable	**GEORGE H. WU, UNITED STATES DISTRICT JUDGE**	
Kamilla Sali-Suleyman	None Present	
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
None Present	None Present

PROCEEDINGS (IN CHAMBERS): ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED FOR LACK OF PROSECUTION

This Order is issued pursuant to FRCP 4(m), which requires that plaintiff(s) serve the summons and complaint upon all defendants within 90 days after filing the complaint. The Court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is the responsibility of plaintiff to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiff(s) must also pursue Rule 55 remedies promptly upon default of any defendant. All stipulations affecting the progress of the case must be approved by the Court, Local Rule 7-1.

The file in this case lacks the papers that would show it is being timely prosecuted, as reflected below. Accordingly, the Court, on its own motion, hereby orders plaintiff(s) to show cause in writing no later than **July 7, 2017** why this action should not be dismissed as to all remaining defendants for lack of prosecution.

As an alternative to a written response by plaintiff(s), the Court will accept one of the following, if it is filed on or before the above date, as evidence that the matter is being prosecuted diligently.

- Proof of service of summons and complaint (applicable for defendant(s) who have not been served);
- In cases removed from State Court, responsive pleadings filed by all defendants
- Request for entry of default by plaintiff(s) (applicable where defendants have been served but not answered);
- Motion for default judgment.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

_____ : _____

Initials of Preparer KSS

Dockets.Justia.com