Board of Trustees of the California Ironworkers Field Pension Trust et al v. South Bay Iron, Inc. Doc. 10

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-9141 FMO (ASx)	Date	March 14, 2018
Title	Board of Trustees of the California Ironworkers Field Pension Trust, et al. v. South Bay Iron, Inc.		

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

Cheryl Wynn	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 **March 21, 2018**, 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

X An answer by the following defendant: **South Bay Iron, Inc.**

X Plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a) as to: **South Bay Iron, Inc.**

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.

00 : 00

Initials of Preparer cw

Dockets.Justia.com