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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 JAKUB MADEJ,

11 Plaintiff,

12 v.

13 U.S. BANK NATIONAL ASSOCIATION,
14 d/b/a ELAN FINANCIAL SERVICES,

15 Defendant.

) Case No. CV 21-2961 FMO (PDx)

) **ORDER DISMISSING ACTION WITHOUT
PREJUDICE**

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17 Plaintiff Jakub Madej (“plaintiff”) filed his complaint against defendant U.S. Bank National
18 Association, d/b/a Elan Financial Services (“defendant”) on April 2, 2021. (Dkt. 1, Complaint). By
19 order dated June 24, 2021, plaintiff was ordered to show cause by July 1, 2021, why this action
20 should not be dismissed without prejudice for lack of prosecution. (See Dkt. 18, Court’s Order of
21 June 24, 2021 (“OSC”). The OSC stated that it would stand submitted upon the filing of a proof
22 of service, an application for entry of default, or defendant’s answer. (See *id.*). The OSC
23 admonished plaintiff that “[f]ailure to file a timely response to [the OSC] shall result in the action
24 or the above defendant(s) being dismissed for lack of prosecution and for failure to comply with
25 the orders of this court[.]” (*Id.*) (citing Fed. R. Civ. P. 4 & 41(b); *Link v. Wabash R.R. Co.*, 370
26 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962)). As of the filing date of this Order, plaintiff has not
27 filed a proof of service or an application for entry of default. (See, generally, Dkt.).

28 Rule 4(m) of the Federal Rules of Civil Procedure provides that a court, on its own initiative,
“must dismiss the action without prejudice” if service is not effected “within 90 days after the

