

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	<b>CV 22-5342 FMO (JEMx)</b>	Date	<b>November 17, 2022</b>
Title	<b>Leemanuel Welch v. Stone Field LLC</b>		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Gabriela Garcia		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 has 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 to show cause in writing on or before **November 28, 2022**, 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: (1) a proof of service of summons and complaint on defendant; (2) an answer by defendant; or (3) plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a) on or before the date indicated above. Failure to file a timely response to this Order to Show Cause shall result in the action being dismissed for lack of prosecution and for failure to comply with the orders of the court. See Fed. R. Civ. P. 4 & 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

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