

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MOISES VILLALOBOS,

Plaintiff,

v.

CS MOTORWERKS, INC.,

Defendants.

Case No. 2:24-cv-04568-SB-E

ORDER TO SHOW CAUSE RE
LACK OF PROSECUTION

Generally, a plaintiff must serve process on defendants within 90 days of the filing of the complaint. *See* Fed. R. Civ. P. 4(m). The complaint in this matter was filed on May 31, 2024. Dkt. No. 1. More than 90 days have passed since the complaint in this case was filed, and Plaintiff has not filed a proof of service on Defendant Nasch Westlake Commerce Center L.P. (Nasch). Plaintiff is ordered to show cause, in writing, no later than September 10, 2024, why his claims against Defendant Nasch should not be dismissed for lack of prosecution. No oral argument on this matter will be heard unless otherwise ordered by the Court. *See* Fed. R. Civ. P. 78; Local Rule 7-15.

The Court will consider as an appropriate response to this order to show cause (OSC) the filing of proof of service showing that Defendant Nasch was served within the 90-day period or a showing of good cause supporting a request to extend the service period. The filing of a proof of service shall result in the automatic discharge of this OSC without further order. Failure to timely respond to the OSC will be construed as consent to dismissal without prejudice of Plaintiff's claims against Defendant Nasch.

If Plaintiff does not intend to prosecute his claims against Defendant Nasch, then no later than September 10, 2024, Plaintiff shall file a motion for default judgment against Defendant CS Motorwerks, Inc. (against which default was entered on August 13). Failure to timely file the motion—or, in the alternative, a status report explaining why the motion should not now be filed—may result in

dismissal of Plaintiff's claims against Defendant CS Motorwerks, Inc. for failure to prosecute.

Date: September 3, 2024



Stanley Blumenfeld, Jr.
United States District Judge