

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 23-0587 JGB (DTBx)** Date **May 10, 2024**

Title ***GS Holistic, LLC v. Sunset Tobacco and Smoke Shop, et al.***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

MAYNOR GALVEZ

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause re Dismissal for Lack of Prosecution
(IN CHAMBERS)**

On March 3, 2023, Plaintiff GS Holistic (“Plaintiff”) filed a complaint against Defendants Sunset Tobacco & Smoke Shop and John Doe. (“Complaint,” Dkt. No. 1.) Plaintiff served the summons and Complaint on Defendant Sunset Tobacco and Smoke Shop on May 5, 2023. (Dkt. No. 13.)

However, on November 22, 2023, Plaintiff filed a first amended complaint against Defendants Hussam Dahi d/b/a Sunset Tobacco & Smoke Shop, Hussam Dahi, and Talal Dahi (collectively, “Defendants”). (“FAC,” Dkt. No. 16.)

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. Proc. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed R. Civ. Proc. 12(a)(1).

Here, it appears that one or more of these time periods has not been met as no proof of service has been filed for the FAC. Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing on or before **May 17, 2024**, why this action should not be dismissed for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, 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 proofs of service on or before the date upon which a

response by Plaintiff is due. Failure to adequately respond to this order may result in the dismissal of this case.

IT IS SO ORDERED.