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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 JACOB MCKEAN, individually, and on
12 behalf of himself and all others similarly
13 situated,

Plaintiff,

14 v.

15 ABC FINANCIAL SERVICES, INC., an
16 Arkansas corporation; and THE ARENA
17 MARTIAL ARTS, a business entity form
18 unknown,

Defendants.
19

Case No.: 18-cv-923-WQH-RBB

ORDER

20 HAYES, Judge:

21 On May 11, 2018, Plaintiff Jacob McKean filed a Class Action Complaint against
22 Defendants ABC Financial Services, Inc. (“ABC Financial”) and The Arena Martial Arts
23 (“The Arena”). (ECF No. 1). On August 22, 2018, the Clerk of the Court entered default
24 as to Defendant The Arena. (ECF No. 21). On September 19, 2018, the Court issued an
25 Order granting Plaintiff “relief from compliance with the thirty-day deadline to move for
26 default judgment after the Clerk’s Entry of Default pursuant to Local Rule 55.1” and
27 granting Plaintiff “leave to move for default judgment against The Arena Martial Arts, if
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1 necessary, at the conclusion of this matter against Defendant ABC Financial Services, Inc.”
2 (ECF No. 25 at 1).

3 On December 24, 2018, Plaintiff filed a First Amended Complaint. (ECF No. 33).
4 On May 7, 2019, the Court issued an Order dismissing the First Amended Complaint. (ECF
5 No. 38). On July 8, 2019, Plaintiff filed a Second Amended Complaint. (ECF No. 42). On
6 November 1, 2019, the Court issued an Order dismissing the Second Amended Complaint.
7 (ECF No. 48). On December 2, 2019, Plaintiff filed a Notice stating that Plaintiff would
8 not request leave to file a third amended complaint. (ECF No. 49). On December 3, 2019,
9 the Court issued an Order granting substitution of attorney for Defendant ABC Financial.
10 (ECF No. 50).

11 The docket reflects no further filings. No action has been taken in this case since
12 December 2019. Civil Local Rule 41.1 provides:

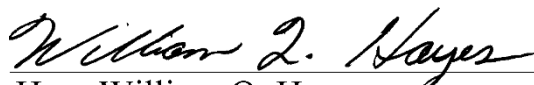
13 Actions or proceedings which have been pending in this court for more than
14 six months, without any proceeding or discovery having been taken therein
15 during such period, may, after notice, be dismissed by the court for want of
prosecution, at the calling of a calendar prepared for that purpose by the clerk.

16 S.D. Cal. Civ. R. 41.1(a); *see* Fed. R. Civ. P. 41(b).

17 Plaintiff's case against Defendant ABC Financial concluded on December 2, 2019.
18 Plaintiff has not filed any motion for default judgment against Defendant The Arena.
19 Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE as to why the case against
20 Defendant The Arena should not be dismissed for failure to prosecute.

21 IT IS HEREBY ORDERED that the Court will dismiss the action against Defendant
22 The Arena without prejudice unless Plaintiff files a declaration within thirty (30) days from
23 the date of this Order showing cause as to why the case against Defendant The Arena
24 should not be dismissed without prejudice.

25 Dated: July 27, 2020

26 
27 Hon. William Q. Hayes
28 United States District Court