

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

Case No. 15-cv-11500

v.

HONORABLE STEPHEN J. MURPHY, III

JASON RESSLER,

Defendants.

**AMENDED ORDER TO SHOW CAUSE WHY THIS CASE  
SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

Plaintiff Malibu Media, LLC ("Malibu") filed the complaint on April 25, 2015 and hired a process server to serve Defendant Jason Ressler ("Ressler"). While it appears that Ressler was properly served on October 20, 2015, *see* Cert. Service, ECF No. 11, Ressler did not file an answer or otherwise respond to the action in any way. Malibu then sought and received a clerk's entry of default. Clerk's Entry Default, ECF No. 13. Nearly four weeks have passed and Ressler has not filed an answer, and Malibu has not moved for default judgment. Accordingly, the Court will issue an Order to Show Cause why this case should not be dismissed for failure to prosecute. *See* Fed. R. Civ. P. 41(b) (permitting dismissal "[i]f the plaintiff fails to prosecute"); *see also Knoll v. Am. Tel. & Tel. Co.*, 176 F.3d 359, 363 (6th Cir. 1999).

**ORDER**

**WHEREFORE**, it is hereby **ORDERED** that Malibu is ordered to **SHOW CAUSE** by 5:00 p.m. on November 23, 2015<sup>1</sup> why this case should not be dismissed for failure to

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<sup>1</sup> The Court issued a nearly identical order on November 13 but the docket incorrectly stated that the "Show Cause Response [is] due by 11/30/2015." Accordingly, the Court will re-issue the order with the correct due date of November 23, 2015.

prosecute. Failure to comply with the terms of this Order will result in dismissal of the Complaint with prejudice and without further notice or hearing.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: November 17, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 17, 2015, by electronic and/or ordinary mail.

s/Carol Cohron  
Case Manager