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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GLENN ELLIOTT BECKNER,

Plaintiff,

v.

UNITED STATES, et al.,

Defendants.

Case No. CV 08-7504-AG (JEM)

ORDER TO SHOW CAUSE RE SERVICE
OF SUMMONS AND COMPLAINT

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 120 days after the complaint is filed. Fed. R. Civ. P. 4(m). Generally, defendants must answer the complaint within 20 days after service, Fed. R. Civ. P. 12(a)(1), or 60 days if the defendant is the United States. Fed. R. Civ. P. 12(a)(2).

In this case, Plaintiff Glenn Elliott Beckner filed this action on November 13, 2008. Pursuant to Fed. R. Civ. P. 4(m), Plaintiff was required to serve the summons and complaint on all named defendants within 120 days, i.e., no later than March 13, 2009.

As of the date of this Order to Show Cause, Plaintiff has not filed a proof of service with the Court evidencing service of the summons and complaint upon any defendant.

More than four months have passed since the expiration of Plaintiff's time to serve the summons and complaint. Accordingly, IT IS HEREBY ORDERED that Plaintiff SHOW

1 CAUSE why this action should not be dismissed for lack of prosecution for failure to serve
2 the summons and complaint on Defendants United States, United States Marine Corps,
3 Manuel Sainz, and James Little. Plaintiff shall respond to this Order to Show Cause in
4 **writing** on or before **Wednesday, August 5, 2009**.

5 In responding, Plaintiff must (1) file proof of service showing that he has served each
6 Defendant with the summons and complaint; or (2) explain why he has failed to serve each
7 Defendant. If Plaintiff has not yet served any Defendant against whom he intends to pursue
8 his case, he must do so immediately so that he can file proof of service prior to the August
9 5, 2009 deadline.

10 Plaintiff is advised that failure to file proof of service or other response to this Order to
11 Show Cause will result in the Court recommending that the case be dismissed for failure to
12 prosecute pursuant to Federal Rules of Civil Procedure 4(l) and 4(m).

13 Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this
14 matter is appropriate for submission without oral argument. The Order to Show Cause will
15 stand submitted upon the filing of Plaintiff's response.

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17 DATED: July 15, 2009

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19 /s/-John E. McDermott
20 JOHN E. MCDERMOTT
21 UNITED STATES MAGISTRATE JUDGE
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