

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-264-VAP (GJS)	Date	May 25, 2017
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Title	Steven Patten v. M. Deschamps, et al.
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Present:	Hon. Gail J. Standish, United States Magistrate Judge
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E. Carson

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiff:

Attorneys Present for Defendant(s):

None present

None present

Proceedings: (IN CHAMBERS) Order to Show Cause re: Failure to Effect Service of Process

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff's deadline for serving the two Defendants – M. Deschamps and Macias – with process was April 18, 2017. On April 14, 2017, at Plaintiff's request, the Court extended the Rule 4(m) deadline to June 1, 2017. Plaintiff has been cautioned that the failure to serve the Defendants with process by that deadline may result in a dismissal without prejudice. [Dkt. 11.]

On May 1, 2017, Plaintiff filed a document entitled "Notice of Compliance re: Service of Process" [Dkt. 18], in which he asserts that he has satisfied his obligations with respect to service of process because he has submitted "complete USM-285" forms to the U.S. Marshal. Since then, between May 11, 2017, and May 24, 2017, the Clerk's Office has received from Plaintiff five similar documents, in which he complains that the U.S. Marshal has not responded to his inquiries and accuses the U.S. Marshal of "abuse of process," delay, etc.

On January 18, 2017, the Court issued and served on Petitioner various Orders authorizing Petitioner to utilize the assistance of the U.S. Marshal to effect service of process. At that same time, Plaintiff was sent Form CV-121, which expressly advised him of the specific documents that needed to be sent to the U.S. Marshal and provided a checklist for doing so. In particular, this form advised Plaintiff that, for each defendant to

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be served, he must provide *four* documents – the Summons, the Complaint, the USM-285, and the Court’s January 18, 2017 Order Directing Service of Process.

On February 16, 2017, the Court received from the U.S. Marshal’s Service a copy of a memorandum sent to Plaintiff on that date, which advised him that the service documents he had sent to the U.S. Marshal were incomplete, because he had failed to provide – for each person to be served – a copy of the Complaint and a copy of the Order Directing Service of Process. The memorandum advised Plaintiff that the documents received would be kept but that he needed to send the missing documents to the U.S. Marshal as soon as possible and stated: **USMS is in need of a complete packet (Summons, Complaint, and order Directing Service of Process by the US Marshals) for each defendant to be served.**

In light of the barrage of duplicative submissions from Plaintiff over the past two weeks, the Court’s staff has contacted the U.S. Marshal to ascertain the status of service of process. The Court’s staff was advised that, following the February 16, 2017 memorandum, Plaintiff simply re-sent to the U.S. Marshal the same thing, namely, the Summons and USM-285 forms, but he again failed to provide the necessary copies of the Complaint and the Order Directing Service of Process.

Plaintiff’s failure to comply with his service of process obligations is inexplicable. He has been provided, repeatedly, with clear advice on the simple steps needed. Instead of taking those simple steps, he has devoted his efforts to barraging the U.S. Marshal and the Court with repetitive letters and notices. The Rule 4(m) period for service of process has been extended once even though the requisite good cause was virtually non-existent; it will not be extended again absent competent proof demonstrating good cause for Plaintiff’s continued failure to meet his obligations.

Accordingly, Plaintiff is ORDERED TO SHOW CAUSE why this action should not be dismissed for his repeated failure to take the necessary steps to effect service of process. **By no later than June 24, 2017**, Plaintiff shall file a response to this Order, in which he must explain why he has not sent all necessary documents to the U.S. Marshal

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and set forth good cause for his conduct. Absent a timely response establishing good cause, this action may be dismissed under Rule 4(m).

The Clerk is directed to return to Plaintiff, unfiled, the five repetitive documents received on May 11, 2017, May 15, 2017, May 18, 2017, May 22, 2017, and May 24, 2017.

IT IS SO ORDERED.