

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

<b>Case No.</b>	<b>CV 17-1898 FMO (FFMx)</b>	<b>Date</b>	<b>April 19, 2017</b>
<b>Title</b>	<b>Jason Alan v. Security Credit Services, LLC, <u>et al.</u></b>		

<b>Present: The Honorable</b>	<b>Fernando M. Olguin, United States District Judge</b>		
Vanessa Figueroa	None Present		
Deputy Clerk	Court Reporter / Recorder		
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
None Present	None Present		

**Proceedings: (In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution**

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. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a). The court may dismiss the action prior to the 90 days, however, if plaintiff has not diligently prosecuted the action.

In the present case, the complaint was filed on February 10, 2017, (see Dkt. 1, Notice of Removal at ¶ 2; Dkt 1-1, Complaint), but it appears that plaintiff has not yet served Opt Out Services LLC with the summons and complaint. Accordingly, the court, on its own motion, orders plaintiff to show cause in writing on or before **April 25, 2017**, why Opt Out Services LLC should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), 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 plaintiff's response, if plaintiff/defendant files

- Proof(s) of service of summons and complaint on the following defendant(s):  
**Opt Out Services LLC**
- An answer by the following defendant(s): **Opt Out Services LLC**

on or before the date indicated above, the court will consider this a satisfactory response to the Order to Show Cause. Failure to file a timely response to this Order to Show Cause may result in Opt Out Services LLC being dismissed for lack of prosecution and for failure to comply with the orders of the court, pursuant to Fed. R. Civ. P. 41(b); Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962).

	00	:	00	
Initials of Preparer	vdr			