

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 17-06270-GW (JDE) Date December 4, 2017

Title Suleyma Melendez v. Nancy A. Berryhill, Acting Commissioner of Social Security

Present: The Honorable John D. Early

Ivette Gomez

n/a

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

n/a

n/a

Proceedings: (In Chambers) Order to Show Cause

On August 24, 2017, Plaintiff Suleyma Melendez filed a Complaint for Review of Social Security Decision (“Complaint”) against Nancy A. Berryhill, Acting Commissioner of Social Security (“Complaint,” Dkt. 1). As of the date of this Order, Plaintiff has not filed a proof of service of process upon defendant nor requested the issuance of a summons from the Clerk.

Rule 4(c) of the Federal Rules of Civil Procedure provides that the “plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.” Rule 4(m) provides that if a defendant “is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). However, if a plaintiff shows good cause for the failure to serve, the court must extend the time for service for an appropriate period. *Id.* Further, unless service is waived, proofs of service must be provided to the Court in an appropriate form. Fed. R. Civ. P. 4(l). Plaintiff filed the Complaint in this action more than 90 days prior to the date of this Order. Plaintiff has not filed a proof of service of process upon any defendant.

Plaintiff is therefore ORDERED to show good cause in writing by no later than December 29, 2017, why the Court should not recommend the dismissal this action pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to timely serve process upon defendant.

Plaintiff is advised that if she fails to file a response to this Order by December 29, 2017, the Court may also recommend the dismissal of this action for lack of prosecution and for failure to comply with a Court order.

Initials of Preparer ig