

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:20-cv-4530-SB (SK) Date February 18, 2021

Title Carmen Alicia Felix v. Nancy A. Berryhill

Present: The Honorable Steve Kim, United States Magistrate JudgeErica Valencian/aDeputy ClerkCourt Smart / Recorder

Attorneys Present for Plaintiff:

None present

Attorneys Present for Defendant:

None present

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE

On May 20, 2020, Plaintiff filed a complaint against Defendant Commissioner of Social Security. (ECF 1). As of this Order, however, Plaintiff, has neither requested that the Clerk of Court issue a summons on that complaint, nor has she properly served the Defendant in any case. The notice that Plaintiff received from the Appeals Council during her administrative proceedings outlined those requirements. In addition, the Court ordered Plaintiff to serve the complaint and summons on Defendant and to file the appropriate proof of service within 30 days of initiating this action. (ECF No. 6). But the putative proof of service Plaintiff filed (ECF 8) shows that the complaint was not properly served as required by Rule 4(i) of the Federal Rules of Civil Procedure. Plaintiff has also not asked for more time to serve based on good cause. *See* Fed. R. Civ. P. 4(m). In short, Plaintiff has failed to effectuate proper and timely service of her complaint under Rule 4.

Plaintiff is thus ORDERED TO SHOW CAUSE on or before **March 25, 2021**, why this action should not be dismissed for failure to prosecute. This order may be satisfied and automatically discharged if Plaintiff (1) immediately requests and obtains a summons from the Clerk of Court, and then (2) files a proof of service by no later than **March 25, 2021**, showing that she has served the summons and complaint on Defendant Commissioner in accordance with Rule 4(i).¹

Failure to effectuate proper and timely service as ordered here will lead to involuntary dismissal of this action for failure to prosecute. *See* Fed. R. Civ. P. 4(m), 41(b); L.R. 41-1.

¹ Rule 4(i) provides that the court-issued summons and complaint must be served on the U.S. Attorney for the Central District of California in the manner specified in that rule. Additionally, as explained both in that rule and in the notice that Plaintiff received from the Appeals Council, Plaintiff must send copies of the complaint and the summons, by certified or registered mail, to the Social Security Administration's Office of the General Counsel and to the Attorney General of the United States in Washington, D.C.