

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 24-10363-AS

Date March 4, 2025

Title Ignacio Vera v. Birrieria Rosa Maria #1 LLC, et al.

Present: The Honorable Alka Sagar, United States Magistrate Judge

L. Krivitsky for Alma Felix

N/A

Deputy Clerk

Court Smart / Recorder

Attorneys Present for Plaintiff:

N/A

Attorneys Present for Defendants:

N/A

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SERVICE OF
PROCESS ON DEFENDANT PACIFIC WILMINGTON, LLC**

On December 2, 2024, Ignacio Vera (“Plaintiff”) filed a complaint against Birrieria Rosa Maria #1 LLC (“Birrieria”), Pacific Wilmington, LLC (“Pacific Wilmington”), and Does 1–10. (Dkt. No. 1). That day, the Clerk issued a summons as to Defendants Birrieria and Pacific Wilmington. (Dkt. No. 6). Plaintiff has since submitted a proof of service indicating he served Defendant Birrieria on January 10, 2025. (Dkt. No. 7).

More than ninety days have passed since Plaintiff filed the complaint and the Clerk issued the summons. Yet Plaintiff has not filed a proof of service reflecting that he served Defendant Pacific Wilmington. Rule 4(m) of the Federal Rules of Civil Procedure provides that if service of the summons and complaint is not made upon a defendant within ninety days of filing the complaint, “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). If the plaintiff, however, “shows good cause for the failure, the court must extend the time for service for an appropriate period.” Id.

Plaintiff is therefore ORDERED TO SHOW CAUSE, in writing, within fourteen days of the date of this Order, why service was not timely made on Pacific Wilmington, and why this case should not be dismissed against Pacific Wilmington without prejudice for failure to effectuate service and for lack of prosecution. Failure to timely file a written response to this Order may result in dismissal of this action against Pacific Wilmington for failure to effect service of process within the time specified by Rule 4(m) of the Federal Rules of Civil Procedure, for failure to prosecute, and/or for failure to obey a court order. See Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.