

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. ED CV 11-1252-DSF (SP) Date May 31, 2012

Title LINDSAY C. ROSS v. STATE OF CALIFORNIA, et al.

Present: The Honorable Sheri Pym, United States Magistrate Judge

Kimberly I. Carter

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendant:

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Defendant State of California Should Not Be Dismissed for Failure to Effect Service

In its initial, August 9, 2011 order in this case, the court advised plaintiff that, under Federal Rule of Civil Procedure 4(m), service of the summons and complaint must be accomplished on each named defendant within 120 days after the filing of the complaint. The court told plaintiff that the 120-day period would expire on December 3, 2011. The court further warned plaintiff that his failure to effectuate service by that date may result in the dismissal of the action without prejudice as to any unserved defendants by reason of plaintiff's failure to prosecute, unless plaintiff can show good cause for extending the time for service.

Although plaintiff apparently has served all of the individual defendants named in the complaint, there is no indication that he has served defendant State of California. Plaintiff has not filed proof of such service. And in his status report filed May 23, 2012, plaintiff stated that the Department of Justice for California mailed back the documents he sent to them, and that he "served those documents on Jack Powazek, an official of UCLA." The court is aware of no authority or agreement under which service on a UCLA official would constitute service on the State of California. And by plaintiff's account, it appears that his earlier attempt to serve the State of California failed.

Accordingly, plaintiff is ORDERED to show cause in writing by **June 21, 2012** why defendant State of California should not be dismissed without prejudice for plaintiff's failure to serve defendant State of California within the time required under Federal Rule of Civil Procedure 4(m).