

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 12-1353 SVW (JCG)	Date	February 9, 2018
Title	<i>Darrell Parks v. Wren, et al.</i>		

Present: The Honorable Jay C. Gandhi, United States Magistrate Judge

Kristee Hopkins

None Appearing

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

None Appearing

None Appearing

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROPERLY SERVE DEFENDANT

The Court is in receipt of Defendant R. Villegas (“Defendant”)’s Waiver of Service of Summons. [Dkt. No. 67.]

However, under Rule 4(i)(3), a party who sues an employee of the United States in an individual capacity for acts or omissions occurring in connection with duties performed on behalf of the United States, must also serve the United States. Fed. R. Civ. P. 4(i)(3). “To serve the United States, a party must: (A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or (ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney’s office; (B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and (C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer [in this case, the Bureau of Prisons].” Fed. R. Civ. P. 4(i)(1).

Here, although Defendant has signed a waiver of service of summons, [*see* Dkt. No. 67], there is no evidence that Plaintiff has properly served the United States in the manner required by Fed. R. Civ. P. 4. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE**, in writing and by **March 9, 2018**, why this action should not be dismissed for failure to effectuate proper service on Defendant. If Plaintiff serves his summons and complaint in the manner required by Rule 4(i) of the Federal Rules of Civil Procedure

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and files proofs of service with the Court on or before **March 9, 2018**, he need not separately respond to this Order to Show Cause. Plaintiff is cautioned that his failure to timely file a response to this Order to Show Cause may result in the dismissal of this action, without prejudice, for failure to properly effectuate service, prosecute, and/or comply with court orders.

IT IS SO ORDERED.

cc: Parties of Record

Initials of Preparer 00 : 00
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