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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LISA MISRAJE BENTLEY,

Plaintiff,

v.

JAMES RANDALL ARGUE; DAVID
BRADSHAW; RALPH LINHARDT;
MICHAEL H. RAMSEY; JACK ONG;
JOHN DAVID WARE; DOES 1–10,
inclusive,

Defendants.

Case No. 5:13-cv-00950-ODW(OPx)

**ORDER TO SHOW CAUSE RE.
LACK OF PROSECUTION**

Ever since Plaintiff Lisa Misraje Bentley filed suit against Defendants on May 23, 2013, this case has been marked by one Order to Show Cause after another. Now with the one-year anniversary of this case’s inception in sight, Bentley still has not served all Defendants and no Defendant has answered. Mired in service issues and failed settlements, Bentley does not request—but rather states—that she will move for entry of default against Defendants if the parties cannot finalize a settlement within 30 days.

Federal Rule of Civil Procedure 4(m) states that a court “must” dismiss a case if a plaintiff does not serve a defendant within 120 days unless the plaintiff can show good cause for the delay. The Court has granted Bentley *four* extensions to its Orders to Show Cause, yet Misraje still has not served Defendants Jack Ong or David

1 Bradshaw and the other Defendants have not answered or otherwise responded. The
2 Court understands that Bentley has encountered various obstacles in prosecuting her
3 case when attempting to serve Defendants and work out an early settlement. But the
4 Court's repeated continuances have proved futile. This case has progressed no further
5 despite the eight months Bentley has had to simply serve Defendants. If Bentley is
6 unable to effect service or work out a settlement with Defendants, she is fully entitled
7 to dismiss her case without prejudice and refile at a later time when she is ready to
8 move forward. And neither can Bentley simply move for entry of default with the
9 Clerk, as she has not yet served Ong or Bradshaw.

10 For the final time, the Court **ORDERS** Bentley to **SHOW CAUSE** by **Friday,**
11 **January 17, 2014,** why the Court should not dismiss her case for lack of prosecution.
12 No hearing will be held. The Court will discharge this Order only upon the filing of
13 valid proofs of service on the remaining defendants and applications for entry of
14 default with the Clerk where appropriate or a notice of voluntary dismissal. Failure to
15 timely respond will result in dismissal of Bentley's case.

16 **IT IS SO ORDERED.**

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18 January 14, 2014

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21 **OTIS D. WRIGHT, II**
22 **UNITED STATES DISTRICT JUDGE**
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