

PRIORITY SENDUNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIACIVIL MINUTES -- GENERAL

Case No. EDCV 13-01594-VAP (OPx)

Date: May 28, 2014

Title: RICHARD ADDISON STEELE II -v- COUNTY OF RIVERSIDE, A
PUBLIC ENTITY, et al.

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PRESENT: HONORABLE VIRGINIA A. PHILLIPS, U.S. DISTRICT JUDGE

Marva Dillard
Courtroom DeputyNone Present
Court ReporterATTORNEYS PRESENT FOR
PLAINTIFFS:ATTORNEYS PRESENT FOR
DEFENDANTS:

None

None

PROCEEDINGS: MINUTE ORDER DISMISSING ACTION FOR FAILURE TO
SERVE AND FAILURE TO PROSECUTE (IN CHAMBERS)

On May 23, 2014, the Court issued an Order to Show Cause re: Failure to Prosecute, noting that Plaintiff had filed his Complaint on September 5, 2013, but had failed to prosecute this action thereafter. On May 27, 2014, Plaintiff filed a Response to the Order to Show Cause. (Doc. No. 7 ("Response").) In the Response, Plaintiff explained that there was a parallel administrative action pending,¹ and that this lawsuit was filed in order to "preserve" Plaintiff's statutory and

¹ One administrative hearing took place on February 4 and 5, 2014, and another is scheduled to take place on October 21-23, 2014. (Response ¶ 9.)

constructional rights. (Response ¶ 11.) Though Plaintiff has not served Defendants, he has had discussions with Defense counsel about acceptance of service. (Id. ¶ 14.)

Federal Rule of Civil Procedure 4(m) provides:

If a defendant is not served within 120 days after the complaint is filed, 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. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). Here, after review of the Response, the Court finds that Plaintiff has not shown good cause for failing to serve the Defendants and generally failing to prosecute this action. Accordingly, the Court DISMISSES this action WITHOUT PREJUDICE.

IT IS SO ORDERED.