

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

**CIVIL MINUTES – GENERAL**

Case No. 5:16-CV-02419-DMG-KES

Date: February 28, 2017

Title: Joseph Guy Vachon v. Reverse Mortgage Solutions Inc., et al.

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PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado  
Courtroom Clerk

Not Present  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:  
None Present

ATTORNEYS PRESENT FOR DEFENDANT:  
None Present

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**PROCEEDINGS (IN CHAMBERS):**

**ORDER to show cause why action against  
original Defendants should not be  
dismissed for lack of prosecution;  
Plaintiff's First Amended Complaint  
(Dkt. 12.)**

On November 22, 2016, Plaintiff filed a civil rights Complaint and a "Complaint in Writ of Replevin with Writ of Right." (Dkts. 1, 2.) In his Complaint, Plaintiff named the following Defendants:

1. Reverse Mortgage Solutions Inc;
2. Finance of America Reverse LLC, formally known as Urban Financial Group Inc;
3. U.S. Department of Housing and Urban Development ("HUD");
4. Superior Court of the State of California for the County of Riverside, Murrieta Courthouse;
5. Zieve, Brodnax, and Steele LLP;
6. Attorney Leslie M. Klott;
7. Rehick, Riverside County Sheriff-Officer; and
8. Does 1-50, all unnamed unknown parties.

On November 29, 2016, the Court issued an Order advising Plaintiff that per Federal Rule of Civil Procedure 4(m), his deadline to effectuate service on

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Defendants is February 27, 2017. The Court warned Plaintiff that his failure to effectuate proper service may result in the dismissal of the action without prejudice unless Plaintiff could show good cause for extending the time for service. (Dkt. 11.)

On February 21, 2017, Plaintiff filed a First Amended Complaint (“FAC”) and “Amended Complaint in Writ of Replevin with Writ of Right” per Federal Rule of Civil Procedure 15(a). (Dkts. 12, 13.) Plaintiff’s FAC adds Defendant Albert J. Wojcik, a judge for the Superior Court of Riverside County. (See Dkt. 12 at 1.)<sup>1</sup>

Plaintiff’s deadline to serve the Defendants named in his original Complaint has passed.<sup>2</sup> Accordingly, the Court hereby orders Plaintiff to show cause **on or before March 20, 2017** why the original Defendants should not be dismissed for failure to effect timely service. Plaintiff may discharge this OSC by filing valid, legible proof of service declarations with the Court for each of the above-listed Defendants (excepting HUD) on or before **March 20, 2017**.

With regard to Defendant Wojcik, service must be accomplished within 90 days after the filing of Plaintiff’s First Amended Complaint. By the Court’s calculation, the 90-day period will expire on May 22, 2017. Plaintiff is again warned that failure to effectuate proper service on Defendant Wojcik may result in the dismissal of Plaintiff’s claims against him without prejudice unless Plaintiff can show good cause for extending the time for service.

Plaintiff is advised that the Public Service Law Corporation runs a free Federal Pro Se Clinic at the Riverside federal courthouse where pro se litigants can

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<sup>1</sup> The FAC also omits Defendant HUD from the caption and indicates intent dismiss Defendant HUD (Dkt. 12 at 1, 27 [“ ... but either way Defendant-FAR and HUD (Not Part of this Action) ... ”]). Because it appears as though no defendants have been served in this case, the Court considers Defendant HUD voluntarily dismissed per Federal Rule of Civil Procedure 41(a)(1)(A).

<sup>2</sup> The 90-day time limit for service on the original Defendants is not affected by the filing of an amended Complaint. See Bolden v. City of Topeka, 441 F.3d 1129, 1148 (10th Cir. 2006); Holmes v. Andrew Agassi College Prep Academy, 2012 WL 2838604, at \*2 (D. Nev. July 10, 2012) (“Although Plaintiff filed the amended complaint ... adding the Foundation as a defendant, the filing of this amended complaint only reset the 4(m) deadline for the Foundation, not for [the original defendant].”).

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get information and guidance. The clinic is located in Room 125 of the George E. Brown Federal Building, 3420 12th Street, Riverside, California 92501. For more information, litigants may call (951) 682-7968 or they may visit the Pro Se Home Page at <http://court.cacd.uscourts.gov/cacd/ProSe.nsf>. Clinic information is found there by clicking “Pro Se Clinic - Riverside.”

Initials of Deputy Clerk JD