

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **EDCV 23-2070 JGB (SPx)**

Date **May 9, 2024**

Title ***Dr. Sharon Jamie, M.D. v. US Department of Veteran Affairs, et al.***

Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE**

MAYNOR GALVEZ

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause re Dismissal for Lack of Prosecution
(IN CHAMBERS)**

On October 11, 2023, Plaintiff Sharon Jamie, M.D. (“Plaintiff”) filed a complaint against Defendants US Department of Veteran Affairs and Farrukh Merchant, M.D. (jointly, “Defendants”) and Does 1 through 50, inclusive. (“Complaint,” Dkt. No. 1.) On January 26, 2024, the Court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute as Plaintiff had not yet filed a proof of service. (“OSC,” Dkt. No. 10.) On February 5, 2024, Plaintiff timely filed a response which stated that she had procured service on Defendant US Department of Veteran Affairs and that service on Defendant Farrukh Merchant, M.D. was expected by February 9, 2024. The Court discharged the OSC on February 7, 2024. (Dkt. No. 14.)

To date, however, Plaintiff has still not filed a proof of service for either Defendant US Department of Veteran Affairs or Defendant Farrukh Merchant, M.D. Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. Proc. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. Proc. 12(a)(1).

Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing on or before **May 17, 2024**, why this action should not be dismissed for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate

for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of proofs of service on or before the date upon which a response by Plaintiff is due. Failure to adequately respond to this order or file proofs of service may result in the dismissal of this case.

IT IS SO ORDERED.