

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. SACV 21-01636 JVS (JDEx) Date November 17, 2021  
Title Abhishek Satish Wagh et al. v. Donna Campagnolo et al.

Present: The **James V. Selna, U.S. District Court Judge**  
Honorable

Lisa Bredahl

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings: [IN CHAMBERS] Order Regarding Order to Show Cause**

The Court has preliminarily reviewed Abhishek Satish Wagh (“Wagh”) and Rutuja Umesh Joshi’s (“Joshi”) (collectively, “Plaintiffs”) complaint and proof of service. See Dkt. Nos. 1 and 9.

Plaintiffs named Donna Campagnolo in her official capacity as Director of the California Service Center of the United States Citizenship and Immigration Services (“USCIS”), Alejandro Mayorkas in his official capacity as Secretary of the Department of Homeland Security, Merrick Garland in his official capacity as Attorney General of the United States, and Ur Mendoza Jaddou in her official capacity as Director of the USCIS.

The Court is in receipt of only one certificate of service, with a summons addressed to Donna Campagnolo, Director, California Service Center, USCIS, DHS, 24000 Avila Road, Laguna Niguel, CA 92677, that was delivered to the Civil Process Clerk, U.S. Attorney for the Central District of California, 300 North Los Angeles Street, Suite 7516, Los Angeles, California 90012. See Dkt. No. 9.

Federal Rule of Civil Procedure 4(i) requires, in part, the following:

(i) Serving the United States and Its Agencies, Corporations, Officers, or Employees.

(1) United States. 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

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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.

(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity.

To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

(3) Officer or Employee Sued Individually. To serve a United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on the United States' behalf (whether or not the officer or employee is also sued in an official capacity), a party must serve the United States and also serve the officer or employee under Rule 4(e), (f), or (g).

Fed. R. Civ. P. 4(i). Accordingly, Plaintiffs have failed to serve all parties.

Therefore, the Court, on its own motion, hereby ORDERS Plaintiffs to Show Cause (OSC) in writing no later than **January 3, 2022**, why this action should not be dismissed for lack of prosecution. As an alternative to a written response by Plaintiffs, the Court will consider the filing of the proofs of service of summons and complaint as an appropriate response to this OSC, on or before the above date.

Absent a showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 90 days after the filing of the complaint. Fed. R. Civ. P. 4(m). The Court may dismiss the action prior to the expiration of such time, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is the plaintiff's responsibility to respond promptly to all orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time

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under Rule 55 remedies promptly upon default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 7-1.

**IT IS SO ORDERED.**

Initials of Preparer lmb : 0