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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

TAMMY PINEDA and SERGIO PINEDA,

CASE NO. 1:11-cv-00878 - - BAM

Plaintiffs,

**ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED**

vs.

UNITED STATES OF AMERICA, et al.

Defendants.

On May 31, 2011, Tammy Pineda and Sergio Pineda (“Plaintiffs”) filed this action against defendants United States of America, James A. Kraus, M.D., Susan Kraus, M.D., Enrique Talamantes, PA-C, Silvia Diego, M.D., and Vikram Khanna, M.D (collectively, the “Defendants”). To date, Plaintiffs have failed to file proofs of service of the summons and complaint on Defendants.

Federal Rule of Civil Procedure 4(m) addresses the time limit to serve a summons and complaint:

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.

Rule 4(m) “encourages efficient litigation by minimizing the time between commencement of an action and service of process.” *Electric Specialty Co. v. Road and Ranch Supply, Inc.*, 967 F.2d 309, 311 (9th Cir. 1992) (addressing former F.R.Civ.P. 4(j)).

