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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

KARAMJIT KAUR,	)	Case No.: 1:14-cv-00839 --- JLT
	)	
Plaintiff,	)	ORDER TO SHOW CAUSE WHY THE MATTER
	)	SHOULD NOT BE DISMISSED FOR FAILURE
v.	)	TO TIMELY SERVE THE SUMMONS AND
	)	COMPLAINT AND FOR FAILURE TO
UNTIED STATES OF AMERICA, et al.,	)	PROSECUTE
	)	
Defendants.	)	

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On May 30, 2014, Plaintiff filed the instant action. (Doc. 1) On June 3, 2014, the Court issued the summons (Doc. 2) and its order setting the mandatory scheduling conference to occur on September 16, 2014. (Doc. 3) In its order setting the mandatory scheduling conference, the Court advised counsel:

The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. **Counsel are referred to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint. Failure to timely serve summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants.**

(Doc. 3 at 1-2, emphasis added) Despite this warning, Plaintiff failed to file a proof of service of the summons and complaint as of August 28, 2014.

As a result, on that date, the Court continued the mandatory scheduling conference to

1 November 17, 2014 and reminded Plaintiff of his obligation to serve the summons and complaint  
2 within 120 days of the filing of the complaint as required by Fed. R. Civ. P. 4. In addition, the Court  
3 advised Plaintiff that failing to comply with the timely service rule, would result in a order of the  
4 Court dismissing the unserved defendants. Nevertheless, despite the passage of more than five months  
5 since the filing of this action, Plaintiff has failed to file proof that he has served the summons and  
6 complaint.

7 Notably, Fed. R. Civ. P. 4(m) reads,

8 If a defendant is not served within 120 days after the complaint is filed, the court--on  
9 motion or on its own after notice to the plaintiff--must dismiss the action without  
10 prejudice against that defendant or order that service be made within a specified time.  
11 But if the plaintiff shows good cause for the failure, the court must extend the time for  
12 service for an appropriate period. This subdivision (m) does not apply to service in a  
13 foreign country under Rule 4(f) or 4(j)(1).

12 Therefore, the Court **ORDERS**,

13 1. Within 14 days, Plaintiff SHALL show good cause in writing why this matter should  
14 not be dismissed for his failure to timely serve the summons and complaint and for his failure to  
15 prosecute this action;

16 2. The mandatory scheduling conference set on November 17, 2014 is **VACATED**.

17  
18 IT IS SO ORDERED.

19 Dated: November 5, 2014

/s/ Jennifer L. Thurston  
20 UNITED STATES MAGISTRATE JUDGE