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8	UNITED STATES DISTRICT COURT	
9	EASTERN DIST	RICT OF CALIFORNIA
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11	RESHMA KAMATH,	Case No. 1:23-cv-00461 JLT CDB
12	Plaintiff,	ORDER DISMISSING DOE DEFENDANT
13	V.	ORDER DIRECTING CLERK OF COURT TO CLOSE CASE
14	BERNARD C BARMANN, et al.,	
15	Defendant.	
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17	Plaintiff, attorney Reshma Kamath, brought this suit against the Kern County Superior	
18	Court; Kern County Superior Court Judge Bernard C. Barmann, Jr.; the Presiding Judge of that	
19	Court, Eric Bradshaw; and an unnamed Depu	ty Sheriff. (See generally Doc. 1.) On May 13, 2024,
20	the Court dismissed all claims against Judge	Barmann, Presiding Judge Bradshaw, and the
21	Superior Court without leave to amend. (Doc. 19.) In that same order, the Court ordered Plaintiff	
22	to show cause within 21 days why the remain	ing defendant should not be dismissed:
23		nnamed Deputy Sheriff defendant has this case. (<i>See</i> Docket; <i>see also</i> Doc.
24	13 at 18 (plaintiff conceding a	us such).) There is no evidence on the uty has been served. Federal Rule of
25	Civil Procedure 4(m) provide	es that "[i]f a defendant is not served
26	within 90 days after the complaint is filed, the courton motion or on its own after notice to the plaintiffmust dismiss the action without prejudice against that defendant or order that service be	
27 28	made within a specified time. for the failure, the court mus	But if the plaintiff shows good cause st extend the time for service for an <i>Flores v. Los Angeles Cnty. Sheriff's</i>
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1	<i>Dep't</i> , No. 2:21-CV-00117-VAP-EX, 2022 WL 18277272, at *8 (C.D. Cal. Nov. 2, 2022) (indicating a court may dismiss a doe	
2	defendant who is not timely identified and served). Alternatively, if the unnamed Deputy has been served and has not appeared, then it	
3	is unclear why Plaintiff has not requested entry of default against the Deputy. Thus, the Court will require Plaintiff to show cause in	
4	writing why the claims against the Unnamed Deputy Sheriff should not be dismissed.	
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6	Within 21 days of the date of this order, Plaintiff is ordered to show	
7	cause why the unnamed Deputy Sheriff should not be dismissed from this case without prejudice because of either her failure to	
8	serve him or her failure to prosecute this matter. If Plaintiff fails to timely respond to this order to show cause, the Deputy Sheriff will	
9	be dismissed and this case closed without further notice.	
10	(Doc. 19 at 12–13.)	
11	The Complaint was filed on March 26, 2023, more than 14 months ago. The record does	
12	not reflect that the unnamed Deputy Sheriff has been served or that there is good cause or other	
13	reason to extend the 90-day deadline to do so. See Fed R. Civ. P. 4(m). On May 13, 2024, the	
14	Plaintiff filed a document, apparently in response to the Court's order to show cause, filled with	
15	vitriol, implied threats of violence and inappropriate language but without addressing	
16	substantively the Court's concerns. (Doc. 20.) Instead, Plaintiff indicates that counsel for the	
17	now-dismissed State Court Defendants failed to identify the unnamed Deputy Sheriff. (Id. at 3.)	
18	Plaintiff does not explain why Defense counsel was obligated to provide this information or why	
19	Plaintiff failed to move to compel any such action when he did not do so. Dismissal pursuant to	
20	Rule 4(m) is therefore appropriate. <i>Bonderer v. Unknown</i> , No. 2:20-cv-2540 AC P, 2022 WL	
21	1104747, *2 (E.D. Cal. April 13, 2022) (action dismissed because plaintiff failed to identify any	
22	defendant for service within the time prescribed by Rule 4(m) and did not show good cause for	
23	the failure); see also Anderson v. Air West, Inc., 542 F.2d 522, 524 (9th Cir. 1976) (affirming	
24	dismissal of complaint for failure to prosecute when defendants were not served for almost one	
25	year after filing).	
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1	Accordingly, the remaining claims in the Complaint are DISMISSED , and the Clerk of
2	Court is directed to CLOSE THIS CASE.
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4	IT IS SO ORDERED.
5	Dated: June 5, 2024
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