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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAULINE MARZETTE, an individual,)	Case No. 2:11-CV-2089-JAM-CKD
)	
Plaintiff,)	ORDER TO SHOW CAUSE REGARDING
)	DISMISSAL OF CLAIMS AGAINST
v.)	PROVIDENT SAVINGS BANK, F.S.B.
)	AND E*TRADE BANK
WELLS FARGO; AMERICAN SERVICING)	
COMPANY; NDEX WEST, LLC; E*TRADE)	
BANK; and DOES 1-20, inclusive,)	
)	
Defendants.)	

On August 8, 2011, this action was removed from El Dorado Superior Court, and on December 18, 2011, Plaintiff Pauline Marzette ("Plaintiff") filed her First Amended Complaint (Doc. #18). On December 21, 2011, Defendants Wells Fargo, N.A., America's Servicing Company, and NDEX West, LLC, moved to dismiss the claims asserted against them by Plaintiff (Docs. #19, 21). This motion was granted, with prejudice, following Plaintiff's failure to respond to it. Doc. #24.

To date, E*Trade, the only remaining named Defendant, has not appeared in this action, and Plaintiff has not lodged a proof of

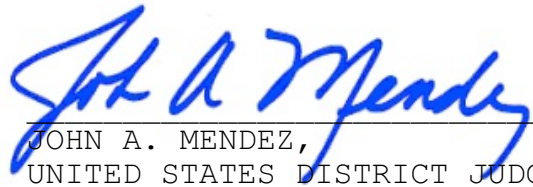
1 service with this Court as to Defendant E*Trade.

2 Pursuant to Federal Rule of Civil Procedure 4(m), the Court
3 must dismiss an action if a defendant has not been served within
4 120 days of plaintiff's filing of his or her complaint, unless a
5 plaintiff can demonstrate good cause for his or her failure to
6 serve the defendant. FED. R. CIV. P. 4(m). Good cause "applies only
7 in limited circumstances, and inadvertent error or ignorance of the
8 governing rules alone will not excuse a litigant's failure to
9 effect timely service." Hamilton v. Endell, 981 F.2d 1062, 1065
10 (9th Cir. 1992) (discussing former subdivision 4(j)) (overruled on
11 other grounds); see also Glaser v. Bell Gardens, 28 F.3d 105 (9th
12 Cir. 1994).

13 It has been well beyond 120 days since Plaintiff's initial
14 complaint was filed. Accordingly, Plaintiff is hereby ordered to
15 show cause in writing, not to exceed five (5) pages, why this
16 action should not be dismissed as to Defendant E*Trade for
17 Plaintiff's failure to timely serve E*Trade. Plaintiff's response
18 to this Court's order should be filed no later than 5:00 pm on May
19 10, 2012.

20
21 IT IS SO ORDERED.

22 Dated: April 30, 2012



JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE