

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GEORGIA MILES,  
Plaintiff,  
v.  
LASSEN COUNTY, et al.,  
Defendants.

No. 2:15-cv-02391-TLN-AC

**ORDER**

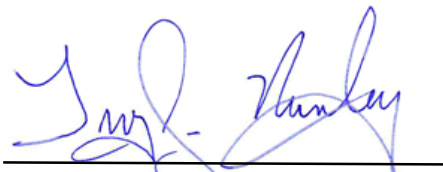
Plaintiff Georgia Miles (“Plaintiff”) commenced this action on November 17, 2015. (Compl., ECF No. 1.) On August 8, 2016, the Court issued an Order to Show Cause as to why the complaint should not be dismissed for failure to prosecute the case due to Plaintiff’s failure to complete service of process on Defendants. (ECF No. 8.) Counsel for Plaintiff filed a response to the Order to Show Cause explaining that Counsel would like to withdraw from the case. (ECF No. 9.) The Court issued a minute order asking Counsel to file a motion to withdraw within 30 days. (ECF No. 10.) The Court granted Counsel’s motion to withdraw and asked Counsel to notify the court of Plaintiff’s current address. (ECF No. 12.) Counsel provided the Court with a potential address for Plaintiff on November 21, 2016. (ECF No. 13.) On November 22, 2016, the Court issued a Minute Order ordering Plaintiff to serve Defendants with the Complaint within thirty (30) days of the order. (ECF No. 14.) The Court attempted to serve Plaintiff by mail at the address provided by Counsel, but the mail was returned as undeliverable on December 2, 2016.

1 Subsequently, Counsel sent an email to the Court on December 8, 2016, notifying it of a new  
2 address for Plaintiff. (ECF No. 15.) The Minute Order was re-served by mail to Plaintiff at the  
3 new address and has not been returned. To date Plaintiff has not served Defendants with the  
4 Complaint.

5 Federal Rule of Civil Procedure 4(m) allows a party 90 days from the filing of the  
6 complaint to serve Defendants. The Court has allowed Plaintiff over a year from her November  
7 17, 2015, filing to serve Defendants – well past the 90 days provided by the federal rules. The  
8 Court on its own motion gave Plaintiff thirty days to serve Defendants and Plaintiff to comply  
9 with the Court order. In an abundance of caution, the Court took steps to ensure that Plaintiff  
10 receives the Court’s orders and Court information, even going so far as to ask Plaintiff’s previous  
11 counsel for a current address to serve Plaintiff and re-serving Plaintiff when a new address was  
12 provided to the Court. The Court finds that it has granted Plaintiff every opportunity to serve  
13 Defendants with the Complaint. Yet, Plaintiff has failed to do so. For the above state reasons,  
14 the Court hereby ORDERS the case CLOSED. The Clerk of the Court is directed to close the  
15 case.

16 IT IS SO ORDERED.

17  
18 Dated: January 19, 2017



19  
20 Troy L. Nunley  
21 United States District Judge  
22  
23  
24  
25  
26  
27  
28