

1 Rule 4(m) of the Federal Rules of Civil Procedure provides that a defendant must be
2 dismissed if service of the summons and complaint is not accomplished on the defendant within
3 90 days after the complaint was filed. However, if “the plaintiff shows good cause for the failure,
4 the court must extend the time for service for an appropriate period.” Id. “Good cause” is
5 generally equated with “diligence.” Townsel v. Contra Costa Cnty., Cal., 820 F.2d 319, 320 (9th
6 Cir. 1987). A showing of good cause requires more than inadvertence or mistake of counsel. Id.
7 “[A]t a minimum, good cause means excusable neglect.” In re Sheehan, 253 F.3d 507, 512 (9th
8 Cir. 2001) (quotation omitted).

9 Here, plaintiff’s request evidences diligence despite plaintiff’s inability to serve a
10 defendant. (ECF No. 6 at 2.) In this regard, the undersigned finds goods cause to extend the time
11 for service.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The May 11, 2017 order to show cause (ECF No. 5) is discharged;
- 14 2. Plaintiff shall serve the defendants on or before **July 14, 2017**;
- 15 3. The June 16, 2017 Status (Pretrial Scheduling) Conference is continued to **Friday,**
16 **August 11, 2017, at 10:00 a.m.**, at the United States District Court, 501 I Street, Sacramento,
17 California, in Courtroom No. 27, before the undersigned;
- 18 4. On or before **July 28, 2017**, plaintiff shall file a status report in compliance with the
19 April 12, 2017 order; and
- 20 5. Plaintiff is cautioned that the failure to timely comply with this order may result in a
21 recommendation that this case be dismissed.

22 Dated: June 12, 2017

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26 DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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