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6 **UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN FRANCISCO DIVISION**  
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10 HAROLD DUTRA, JR.,

11 Plaintiff,

12 v.

13 BFI WASTE SYSTEMS OF NORTH  
14 AMERICA, INC. d/b/a ALLIED WASTE  
15 SERVICES OF SAN MATEO,  
16 INTERNATIONAL BROTHERHOOD OF  
17 TEAMSTERS LOCAL UNION 350,  
18 PRESIDENT LARRY DAUGHERTY, and  
19 DOES 1-40,

20 Defendants.

Case No. 12-cv-3338 NC

**ORDER TO SHOW CAUSE FOR  
FAILURE TO SERVE**

21 Plaintiff Harold Dutra, Jr. filed this § 1981 complaint for damages and injunctive  
22 relief on June 28, 2012. The parties had an initial case management conference  
23 scheduled before this Court on October 3, 2012. Plaintiff sought and the Court granted  
24 plaintiff's request to continue the case management conference to November 21, 2012.  
25 Dkt. Nos. 4, 5. Plaintiff failed to appear at the case management conference, failed to  
26 file a case management conference statement, and has yet to consent or decline the  
27 jurisdiction of a magistrate judge as required under 28 U.S.C. § 636(c). In addition,  
28 plaintiff has yet to serve the summons and complaint on defendants.

Under Federal Rule of Civil Procedure 4(m), a plaintiff must serve a defendant  
within 120 days of filing the complaint. Fed. R. Civ. P. 4(m). If a defendant is not

1 served within 120 days, the court may dismiss the action after notice to the plaintiff. *Id.*  
2 As more than 120 days have passed since Dutra filed the complaint, he must show cause  
3 in writing by December 12, 2012, why this action should not be dismissed under Rule  
4 4(m). Dutra must also consent or decline to the jurisdiction of a magistrate judge by this  
5 date.

6 IT IS SO ORDERED.

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8 DATED: December 5, 2012



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10 NATHANAEL M. COUSINS  
United States Magistrate Judge