

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PEDRO BARRAGAN,
Plaintiff,
v.
PERSONNIQ, LLC; JIM PRENDERGAST;
and STEVEN RIX,
Defendants.

No. 14-0475 MMC

**ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE WHY CLAIMS AGAINST
DEFENDANT RIX SHOULD NOT BE
DISMISSED**

On July 30, 2013, plaintiff filed the instant action in the Sonoma County Superior Court, naming Personniq, LLC; Jim Prendergast, and Steven Rix as defendants. On January 31, 2014, the instant action was removed to the federal district court. To date, plaintiff has not filed proof of service of the summons and complaint upon defendant Steven Rix. "If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time," Fed. R. Civ. P. 4(m), and where, as here, the complaint is removed from state court, the 120-day period runs from the date of removal, see 28 U.S.C. § 1448; Fed. R. Civ. P. 81(c)(1).

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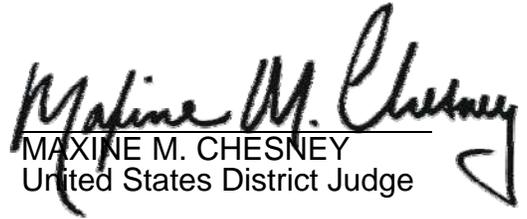
Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and no

1 later than October 10, 2014, why plaintiff's claims against Steven Rix should not be
2 dismissed for failure to serve within the time required by Rule 4(m).

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IT IS SO ORDERED.

Dated: September 17, 2014


MAXINE M. CHESNEY
United States District Judge