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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT AMATRONE, et al.,
Plaintiffs,
v.
RANDY CHAMPION, et al.,
Defendants.

Case No. 15-cv-01356-JST

**ORDER TO SHOW CAUSE
REGARDING SERVICE OF
DEFENDANTS**

Re: ECF No. 114

Pursuant to Federal Rule of Civil Procedure 4(m), all defendants to an action must be served within 120 days after the complaint is filed.¹ If defendants are not served within that time, “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) (emphasis added).

The operative Second Amended Complaint in this case was filed on October 11, 2015. ECF No. 92. Therefore, all defendants were required to be served under Rule 4(m) by February 8, 2016. On February 8, Plaintiffs filed a document styled as a “Certificate of Service,” which consisted of a number of documents titled “Affidavit of Reasonable Diligence” that appear to describe unsuccessful efforts to effect service on some defendants and efforts to effect substitute service on others. ECF No. 114. Having reviewed this filing, it is unclear to the Court which, if any, of the remaining defendants who have not yet appeared in the case have been sufficiently served under the Federal Rules of Civil Procedure.

Accordingly, the Plaintiffs are hereby ordered to file with the Court a notice listing all of the defendants in the case and identifying which of them have and have not been served. If any

¹ Though Rule 4(m) was amended in 2016 to reduce this time to 90 days, the Plaintiffs in this case filed their complaint on March 19, 2015.

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defendants have not been served, the Plaintiffs are also ordered to show cause as to why those defendants should not be dismissed from the case pursuant to Fed. R. Civ. P. 4(m). Plaintiffs must respond to this order within 14 days of the date of its issuance.

IT IS SO ORDERED.

Dated: February 12, 2016



JON S. TIGAR
United States District Judge