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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA

5
6 RICARDA CARIAS,
7 Plaintiff,

8 v.

9 UNITED STATES OF AMERICA,
10 Defendant.

Case No. 15-cv-05274-EDL

ORDER RE: SERVICE OF PROCESS

11 Plaintiff filed this action on September 21, 2015. At that time, Federal Rule of Civil
12 Procedure 4(m) stated that “[i]f a defendant is not served within 120 days after the complaint is
13 filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action
14 without prejudice against that defendant or order that service be made within a specified time. But
15 if the plaintiff shows good cause for the failure, the court must extend the time for service for an
16 appropriate period.”¹ At a case management conference held February 16, 2016, past the 120 day
17 service deadline, Defendant United States indicated that it has not been served in accordance with
18 Federal Rule of Civil Procedure 4(i). Accordingly, Defendant is hereby ordered to move to
19 dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(5) by March 1, 2016.
20 Defendant’s motion will be without prejudice to, and will not result in a waiver of, any other
21 defense provided by Rule 12(b).

22 **IT IS SO ORDERED.**

23 Dated: February 19, 2016

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26 ELIZABETH D. LAPORTE
United States Magistrate Judge

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28 ¹ On December 1, 2015, the deadline to complete service was changed to 90 days after the
complaint is filed.