

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISIONWILLIAM J. WHITSITT,
Plaintiff,
v.
TELSA MOTORS, et al.,
Defendants.

Case No. 3:16-cv-0797-LB

ORDER TO SHOW CAUSE

On February 17, 2016, the plaintiff William Whitsitt filed a complaint charging that the defendants discriminated against him based on his age when they failed to hire him. (*See* ECF No. 1.) On February 23, the court granted Mr. Whitsitt's request to proceed *in forma pauperis*, authorized service by the United States Marshal, and directed the plaintiff to provide the addresses for the defendants within seven days to enable the Marshal to complete service. (*See* ECF No. 6.) Mr. Whitsitt did not provide the addresses. On June 3, 2016, the court again ordered Mr. Whitsitt to provide addresses for the defendants and gave him until June 13 to do so. (*See* ECF No. 11.) The court warned him that if he did not provide addresses, he risked dismissal of his case without prejudice for failing to prosecute it. (*See* ECF No. 11.) He did not provide the addresses for the defendants; as a result, the Marshal is unable to serve them with notice of the lawsuit.

Under Federal Rule of Civil Procedure 4(m), a plaintiff has 90 days after he files a complaint to serve the defendant. If a plaintiff does not serve the defendant within 90 days, then the court

ORDER (No. 3:16-cv-0797-LB)

1 must dismiss the case without prejudice or order that service be made within a specified time. Fed.
2 R. Civ. P. 4(m). The court will extend the period for service if a plaintiff shows good cause for
3 failure to serve a defendant within Rule 4(m)'s time for service. *Id.*

4 Here, Mr. Whitsitt has the responsibility to provide the court with addresses to serve the
5 defendants. If he does not do that, the Marshal cannot serve the complaint, the defendants thus will
6 not have notice that Mr. Whitsitt sued them, and the lawsuit cannot go forward. The court again
7 orders Mr. Whitsitt to provide the addresses for the defendants and gives him until July 14 to
8 either file the addresses or tell the court why he cannot. If Mr. Whitsitt does not provide the
9 addresses or an explanation that establishes good cause for not doing so, the court will dismiss his
10 case without prejudice under Rule 4(m). The court sets a hearing for July 21 at 11 a.m. for Mr.
11 Whitsitt to show cause why he has not filed the addresses. If Mr. Whitsitt files the addresses by
12 July 14, the court will vacate the hearing.

13 **IT IS SO ORDERED.**

14 Dated: June 28, 2016


LAUREL BEELER
United States Magistrate Judge

15
16
17
18
19
20
21
22
23
24
25
26
27
28