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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

A.C.L. COMPUTERS AND SOFTWARE,  
INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. [16-cv-01485-SK](#)

**ORDER TO SHOW CAUSE AND  
VACATING CASE MANAGEMENT  
CONFERENCE**

On March 25, 2016, Plaintiff A.C.L. Computers and Software, Incorporated (“A.C.L.”) filed this complaint against the United States. Pursuant to Federal Rule of Civil Procedure 4(m) (“FRCP 4(m)”), A.C.L. was required to serve the United States by today, which is ninety days from the date the complaint was filed.

A.C.L. stated in a case management statement filed on June 22, 2016:

An employee who is no longer with the Plaintiff’s attorney’s law firm claims to have served the summons and complaint, but failed to prepare and file a proof of service. If the summons and complaint were in fact served, Plaintiff will obtain and file a proof of service from the person who served the summons and complaint.

(Dkt. 7 at 3.)

The Court HEREBY ORDERS A.C.L. to Show Cause why this action should not be dismissed without prejudice for failure to serve the complaint within ninety days as required by FRCP 4(m). A.C.L. shall respond in writing to this Order by no later than June 30, 2016. By June 30, 2016, A.C.L. may either file a proof of service showing that the complaint was served by June 23, 2016 or demonstrate good cause why the time for service should be extended.

If Plaintiff does not demonstrate timely proof of service or good cause for an extension

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pursuant to FRCP 4(m), Plaintiff is admonished that this action will be dismissed without prejudice without further notice. The Court HEREBY VACATES the case management conference and will reset it at a later date, if necessary.

**IT IS SO ORDERED.**

Dated: June 23, 2016



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SALLIE KIM  
United States Magistrate Judge