

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  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROSEANA WEATHERWAX,  
Plaintiff,  
v.  
TAKATA CORPORATION, et al.,  
Defendants.

Case No. [16-cv-02408-MEJ](#)  
**ORDER TO SHOW CAUSE**

On May 3, 2016, Plaintiff Roseana Weatherwax filed the instant complaint. Dkt. No. 1. To date, no proof of service of the summons and complaint has been filed; the only indication service has even been attempted is a June 3, 2016 filing showing that the summons was returned unexecuted. See Dkt. No. 8. This matter was scheduled for a Case Management Conference on August 4, 2016, but as there was no indication Defendants had been served and Plaintiff failed to file any statement or status report of her own, the Court vacated the Conference and ordered Plaintiff to file a status report by August 11, 2016. Dkt. No. 9. As of the date of this Order, the Court has not received any response from Plaintiff.

“If a defendant is not served within 90 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). Accordingly, pursuant to Rule 4(m), and given Plaintiff’s failure to comply with Court Orders, the Court **ORDERS** Plaintiff to show cause, in writing and no later than September 15, 2016, why this case should not be dismissed for failure to serve within the time required by Rule 4(m) and failure to comply with this Court’s Orders. Notice is hereby provided that failure to file a written response will be deemed an admission that Plaintiff does not intend to prosecute, and the case will

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  
28

be dismissed without prejudice. Thus, it is imperative that the Court receive a written response by the deadline above.

**IT IS SO ORDERED.**

Dated: September 7, 2016



---

MARIA-ELENA JAMES  
United States Magistrate Judge