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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL BURNSIDE,
Plaintiff,
v.
DOES 1-25,
Defendant.

Case No. [20-cv-05547-JSC](#)

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE**

Federal Rule of Civil Procedure 4(m) provides that “[i]f 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.” Plaintiff filed this action on August 10, 2020. As of the February 11, 2021 at the Initial Case Management Conference—more than five months after the complaint was filed—Plaintiff had not identified, let alone served, any defendant. Accordingly, the Court ordered that unless Plaintiff filed an amended complaint by March 29, 2021 to name a defendant the action would be dismissed without prejudice given Plaintiff’s failure to identify and serve any defendant. (Dkt. No. 11.) To date, Plaintiff has not filed an amended complaint. Accordingly, the action is DISMISSED without prejudice. *See* Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated: March 31, 2021


JACQUELINE SCOTT CORLEY
United States Magistrate Judge