

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

MERYL POMPONIO,  
Plaintiff,

v.

ENRIQUE M. SANCHEZ, et al.,  
Defendants.

Case No. [21-cv-09161-SK](#)

**ORDER TO SHOW CAUSE**

Plaintiff filed this action against three Defendants on November 28, 2021 – Enrique M. Sanchez doing business as 123 Fun Jumpers, Solomon Chekol, and Merkedes Lemma. (Dkt. No. 1.) Plaintiff filed proofs of service for Defendants Chekol, and Lemma on January 17, 2022, but has not filed any proof of service for Sanchez. (Dkt. Nos. 8, 9.) Moreover, while Lemma was served personally, the proof of service states that Chekol was served by substitute service by leaving copies of the summons and complaint with his wife on December 18, 2021, and by mailing a copy of the summons and complaint on December 20, 2021. (Dkt. Nos. 8, 9.) The Court notes that the declaration of reasonable diligence states that the service attempts for Chekol were at an unspecified business address at 8:38 p.m. on a Thursday, 7:18 a.m. on a Friday, and 2:47 p.m. on a Saturday. The process server noted that, on the first two attempts, there was no answer at the door and no activity was observed. (Dkt. No. 8.) It is not clear what the regular business hours are for Sanchez’s unspecified business address. The Court notes that service attempts at a business address when the business is closed would not constitute reasonably diligent efforts at service. If service on Chekol was effective, pursuant to the scheduling order issued on November 29, 2021, Plaintiff was required to file a notice of need for mediation by no later than April 11, 2022, for Chekol and Lemma. (Dkt. No. 6.)

No Defendant has appeared yet. Nevertheless, Plaintiff has not moved for entry of default

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

against any Defendant or filed the required notice of need for mediation. Accordingly, Plaintiff is  
HEREBY ORDERED to Show Cause in writing by no later than May 16, 2022, why this case  
should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).  
Additionally, Plaintiff is admonished that, if he fails to file a response to this OSC by May 16,  
2022, the Court will reassign this matter and issue a report and recommendation that this matter be  
dismissed for failure to prosecute without any further notice.

**IT IS SO ORDERED.**

Dated: May 6, 2022

  
\_\_\_\_\_  
SALLIE KIM  
United States Magistrate Judge