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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIFFANY NELSON, et al.,
Plaintiffs,
v.
FACEBOOK,
Defendant.

Case No. [22-cv-03433-AGT](#)

**ORDER REGARDING SERVICE OF
PROCESS**

On June 6, 2022, plaintiffs filed the complaint underlying this action. To date, however, the docket does not contain proof of service or waiver of service for the defendant, nor has the defendant appeared in this action.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

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. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

The 90-day period for service provided by Rule 4(m) expired over four months ago, on September 4, 2022. The Court previously advised plaintiffs, who are proceeding pro se, of their Rule 4 service obligations during both the September 16, 2022, and the November 18, 2022, case management conferences.¹

Accordingly, plaintiffs are ordered to serve the summons and complaint on the defendant, and file proof of service, by no later than **February 17, 2023**. If plaintiffs do not file proof of

¹ The Court also advised plaintiffs that the corporate plaintiff, Cocoa Yacht Club, Inc., cannot proceed pro se and must be represented by a licensed attorney.

1 service by February 17, the undersigned will recommend that a district judge dismiss the case
2 without prejudice. *See* Fed. R. Civ. P. 41(b).

3 The further case management conference scheduled for January 20, 2023, is vacated and
4 will be reset, if necessary, upon resolution of the service issue.

5 **IT IS SO ORDERED.**

6 Dated: January 19, 2023

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9 ALEX G. TSE
United States Magistrate Judge

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