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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VICTOR PALACIOS,
Plaintiff,
v.
COSCO HOME AND OFFICE
PRODUCTS, INC., et al.,
Defendants.

Case No. 14-cv-04066-KAW

ORDER TO SHOW CAUSE

United States District Court
Northern District of California

Plaintiff Victor Palacios commenced the above-captioned case in Alameda County Superior Court on May 2, 2014. (Notice of Removal, Ex. A, Dkt. No. 1.) Ameriwood Industries, Inc., improperly named as Cosco Home and Office Products, removed the action to this Court on September 8, 2014. (Id.)

Federal Rule of Civil Procedure 4(m) provides that "[i]f a defendant is not served 120 days after the complaint is filed, the court . . . must dismiss the action without prejudice against the defendant" In this case, the deadline for service of the summons and complaint was January 6, 2015. See California Practice Guide: Federal Civil Procedure Before Trial, Ch. 2D-9, § 2:3567 (2015) ("The 120-day time limit on service of summons runs from the date the notice of removal was filed in federal court (rather than from when the action was commenced in state court) . . ."). As of the filing of this order to show cause, Plaintiff has not served any of the named defendants.

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Accordingly, the Court hereby orders Plaintiff to show cause why the Court should not dismiss this case against the named defendants, other than Ameriwood Industries, who has voluntarily appeared, as required by Federal Rule of Civil Procedure 4(m). Plaintiff shall file a written response to this order to show cause within 14 days.

IT IS SO ORDERED.

Dated: 09/02/2015


KANDIS A. WESTMORE
United States Magistrate Judge