

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

J&J SPORTS PRODUCTIONS, INC.,)	Case No.: 12-02259
)	
Plaintiff,)	
v.)	ORDER TO SHOW CAUSE
)	
AIMIE NGUYEN, ET AL.)	
)	
Defendants.)	
)	
)	

On May 4, 2012, Plaintiff filed its original complaint. ECF No. 1. On August 30, 2012, Plaintiff filed an *ex parte* application for an extension of time to complete service. ECF No. 10. The Court granted this application on September 4, 2012, allowing Plaintiff an additional 30 days to complete service. ECF No. 11. 164 days have passed since the filing of the original complaint, and 41 days have passed since this Court granted additional time, but no proof of service has been filed.

Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant within 120 day after it files the complaint. A court must dismiss a case without prejudice if a plaintiff has not complied with Rule 4(m), unless the plaintiff shows good cause for its failure to serve defendant. Fed. R. Civ. P. 4(m). Under this Rule, Plaintiff was required to serve a proof of service by September 1, 2012. In this case, Plaintiff was granted a brief extension, which allowed Plaintiff until October 4, 2012 to file a proof of service.

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Accordingly, the Court ORDERS Plaintiff to show cause why this action should not be dismissed for failure to serve the Defendants as required by Rule 4(m) by October 29, 2012. *See, e.g., Patrick Collins Inc. v. Does 1-1219*, No. 10-04468-LB (N.D. Cal. Aug. 29, 2011) (Beeler, M.J.) (issuing order to show cause). The Court will hold a hearing on Plaintiff's response on December 5, 2012, at 2:00 p.m., in conjunction with the case management conference set for that date.

IT IS SO ORDERED.

Dated: October 15, 2012



LUCY H. KOH
United States District Judge