

1 gave both the ISP and Doe 30 days from the date of service in which to object to the subpoena. *Id.*
2 at 2-3. If both Doe and the ISP failed to object, the ISP was required to produce, within 10 days,
3 the information responsive to the subpoena to AFH. *Id.*

4 Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant within 120
5 day after it files the complaint. A court must dismiss a case without prejudice if a plaintiff has not
6 complied with Rule 4(m), unless the plaintiff shows good cause for its failure to serve defendant.
7 Fed. R. Civ. P. 4(m). 145 days have passed since the filing of the original complaint and 53 days
8 have passed since the issuance of Judge Grewal's expedited discovery order, but no proof of
9 service has been filed.

10 Under Rule 4(m), AFH was required to have filed proof of service by December 7, 2012.
11 AFH did not. Accordingly, the Court ORDERS AFH to show cause why this action should not be
12 dismissed for failure to serve the Doe Defendant as required by Rule 4(m) by January 11, 2013.
13 *See, e.g., Patrick Collins Inc. v. Does 1-1219*, No. 10-04468-LB (N.D. Cal. Aug. 29, 2011) (Beeler,
14 M.J.) (issuing order to show cause). The Court will hold a hearing on AFH's response on January
15 16, 2013, at 2:00 p.m., in conjunction with the case management conference set for that date.

16 **IT IS SO ORDERED.**

17 Dated: January 1, 2013

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20 LUCY H. KOH
21 United States District Judge