

United States District Court
For the Northern District of California

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
SAN JOSE DIVISION

JESS H. KRIEHN,)	Case No.: 5:12-CV-05611-LHK
)	
Plaintiff,)	ORDER TO SHOW CAUSE
)	
v.)	
)	
DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	

Plaintiff filed the complaint in this action on November 1, 2012. ECF No. 1. Under Federal Rule of Civil Procedure 4(m), a plaintiff's failure to serve the defendant within 120 days of filing the complaint is grounds for dismissal without prejudice absent a showing of good cause. See Fed. R. Civ. P. 4(m). Accordingly, the Court ORDERS Plaintiff to show cause why this action should not be dismissed for failure to timely serve Defendant. Plaintiff shall respond to this Order to Show Cause and file proof of service of the summons and complaint on Defendant by March 4, 2013. A hearing on this Order to Show Cause is set for March 20, 2013 at 2:00 p.m. Plaintiff's failure to serve Defendant and file a response by March 4, 2013, and failure to appear at the March 20, 2013 hearing, will result in dismissal of this action without prejudice for failure to comply with Rule 4(m). The case management conference currently scheduled for February 6, 2013, shall be continued to March 20, 2013.

IT IS SO ORDERED.

Dated: February 4, 2013



 LUCY H. KOH
 United States District Judge