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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHARLES WANG,
Plaintiff,
v.
TAYLOR THOMSON, et al.,
Defendants.

Case No. [14-cv-02388-BLF](#)

**ORDER DISMISSING ACTION
AGAINST REMAINING INDIVIDUAL
DEFENDANTS**

[Re: ECF 46]

On October 9, 2014, Plaintiff filed an amended complaint in this action, naming as Defendants Massachusetts General Hospital (“MGH,” sued as Mass General Hospital), Taylor Thomson, D. Systrom, Dr. Hesse, Dr. Rhee, Dr. Matola, Dr. Madoff, Frances West, and “MGH Attending ICU medical physicians and staff.” FAC, ECF 32 at 1.

On December 19, 2014, the Court granted MGH’s motion to dismiss, with prejudice.

The Court undertook a review of the record in this case, and determined that Plaintiff had not served his FAC on any of the remaining Defendants. On February 9, 2015, the Court issued an Order to Show Cause, instructing Plaintiff to either (1) show that he had effected service on the remaining Defendants prior to February 6, 2015, 120 days from the date he filed his FAC, or (2) provide a reason as to why his failure to serve the remaining Defendants should be excused. *See* Order to Show Cause, ECF 46 at 2.

The Court gave Plaintiff until March 9, 2015 to respond to the Order to Show Cause. As of April 8, 2015, Plaintiff has not filed a response.


Federal Rule of Civil Procedure 4(m) requires a court to dismiss an action without prejudice against a defendant when that defendant has not been served within “120 days after the complaint is filed,” unless a plaintiff shows “good cause for the failure.” Fed. R. Civ. P. 4(m).

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Plaintiff has not served Defendants Taylor Thomson, D. Systrom, Dr. Hesse, Dr. Rhee, Dr. Matola, Dr. Madoff, or Frances West, nor has he served any “MGH Attending ICU medical physicians [or] staff.” As such, consistent with Rule 4(m), the Court DISMISSES this action against those Defendants, without prejudice. *See Caballero v. Gonzalez*, 2009 WL 3876293, at *2 (C.D. Cal. Nov. 18, 2009) (dismissing an action without prejudice against parties plaintiff failed to serve within the time allotted by Rule 4(m), and entering judgment in the action).

IT IS SO ORDERED.

Dated: April 9, 2015


BETH LABSON FREEMAN
United States District Judge