

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

CHRISTINA LAFRANCE CHRISTNER,
Plaintiff,
v.
KIERON SWEENEY,
Defendant.

Case No. [5:14-cv-02458 EJD](#)

ORDER DISMISSING CASE

On October 20, 2014, the court ordered Plaintiff Christina LaFrance Christner (“Plaintiff”) to show cause in writing by October 31, 2014, why she failed to accomplish service of the Summons and Complaint within 120 days as required by Federal Rule of Civil Procedure 4(m).

Plaintiff filed a return to the Order to Show Cause on November 3, 2014 (Docket Item No. 11), indicating the Defendant Kieron Sweeney (“Defendant”) lives outside the United States at an unknown address, that his former attorney declined to accept service on Defendant’s behalf, and that Plaintiff is presently conducting research to locate Defendant’s address. Having carefully considered this information, the court finds that it does not constitute show good cause as required by Rule 4(m). See In re Sheehan, 253 F.3d 507, 512 (9th Cir. 2001) (discussing good cause standard). Nor did Plaintiff provide sufficient detail about her attempts to locate and serve Defendant to justify a discretionary extension of the time for service.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Clerk shall close this file.

IT IS SO ORDERED.

Dated: November 4, 2014



EDWARD J. DAVILA
United States District Judge