

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION

4 JOY COULTER,
5 Plaintiff,

6 v.

7 CAPITAL ONE FINANCIAL
8 CORPORATION, et al.,

9 Defendants.

Case No. [15-cv-03122-BLF](#)

ORDER TO SHOW CAUSE

10 To Plaintiff Joy Coulter, you are hereby ORDERED to SHOW CAUSE in writing, on or
11 before January 20, 2016, why Defendants First National Credit Card, Inc. and United Finance
12 should not be dismissed from this action for failure to prosecute.

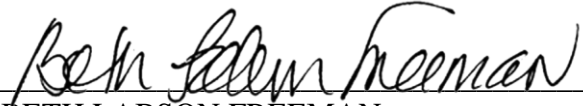
13 This case was removed from the Santa Clara County Superior Court on July 6, 2015. Since
14 then, Plaintiff has dismissed six of the defendants. There is no indication on the docket that
15 Defendants First National Credit Card, Inc. and United Finance have been served with process.

16 The Federal Rules of Civil Procedure do not contemplate an indefinite and indeterminate
17 delay in the service of process. *See* Fed. R. Civ. P. 4(m). In fact, the newly amended Federal Rules
18 of Civil Procedure seek to reduce the delay in the early stages of litigation by reducing the time to
19 serve a defendant from 120 days to 90 days. *Id.*

20 Here, Plaintiff has not complied with Fed. R. Civ. P. 4(m), which requires defendants to be
21 served within 120 days after the complaint is filed. Accordingly, the Court ORDERS Plaintiff Joy
22 Coulter TO SHOW CAUSE why this case should not be dismissed for failure to prosecute.
23 Plaintiff shall submit a written response on or before January 20, 2016. The Court advises
24 Plaintiff that a failure to respond to the order to show by January 20, 2016 will result in the
25 dismissal of Defendants First National Credit Card, Inc. and United Finance without prejudice.

26 **IT IS SO ORDERED.**

27 Dated: December 21, 2015

28 
BETH LABSON FREEMAN
United States District Judge