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4 **UNITED STATES DISTRICT COURT**  
5 **NORTHERN DISTRICT OF CALIFORNIA**  
6 **SAN JOSE DIVISION**

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8 SOKHA KHEK,  
9 Plaintiff,

10 v.

11 CAROLYN W. COLVIN,  
12 Defendant.

Case No. [15-cv-03902-BLF](#)

**ORDER TO SHOW CAUSE**

13  
14 To Plaintiff Sokha Khek, you are hereby ORDERED to SHOW CAUSE in writing, on or  
15 before January 27, 2016, why this action should not be dismissed for failure to serve Defendant  
16 under Fed. R. Civ. P. 4(m) and/or prosecute this action under Fed. R. Civ. P. 41(b).

17 This case was filed on August 26, 2015, ECF 1, and a summons was issued for Defendant  
18 on August 27, 2015, ECF 5. The Court's records do not indicate that Plaintiff has served the  
19 summons on Defendant.

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


24 Here, Plaintiff has not complied with Fed. R. Civ. P. 4(m), which requires defendants to be  
25 served within 120 days after the complaint is filed. Accordingly, the Court ORDERS Sokha Khek  
26 TO SHOW CAUSE why this case should not be dismissed for failure to serve Defendant and/or  
27 prosecute this action. Plaintiff shall submit a written response on or before January 27, 2016. In  
28 the alternative, if Plaintiff files proof of service on Defendant on or before January 27, 2016, the

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Court will dissolve this order to show cause. The Court advises Plaintiff that a failure to respond to the order to show by January 27, 2016 will result in the dismissal of this action.

**IT IS SO ORDERED.**

Dated: December 30, 2015

  
BETH LABSON FREEMAN  
United States District Judge