

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

JONATHAN BENJAMIN FLEMING,
Plaintiff,
v.
CAROLYN COLVIN,
Defendant.

Case No. 16-CV-00162-LHK
ORDER TO SHOW CAUSE

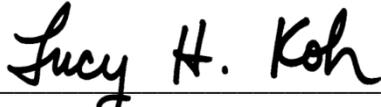
Plaintiff Jonathan Benjamin Fleming (“Plaintiff”) filed the complaint on January 11, 2016. ECF No. 1. According to Federal Rule of Civil Procedure 4, “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” To comply with Rule 4, Plaintiff needed to serve Defendant Carolyn Colvin within 90 days of January 11, 2016, or by April 11, 2016. It is now May 18, 2016 and Plaintiff has failed to file any proof of service. Accordingly, Plaintiff is hereby ORDERED TO SHOW CAUSE as to why this action should not be dismissed without prejudice for failure to prosecute. Plaintiff has until June 2, 2016 to file a response to this Order to Show Cause. A hearing on this Order to Show Cause is set for June 16, 2016, at 1:30 p.m. Plaintiff’s failure to

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

respond to this Order and to appear at the June 16, 2016 hearing will result in dismissal without prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: May 18, 2016



LUCY H. KOH
United States District Judge