

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

ERLINDO CASENAS,  
Plaintiff,  
v.  
SANTA CLARA VALLEY  
TRANSPORTATION AUTHORITY, et al.,  
Defendants.

Case No. [5:16-cv-01212-EJD](#)  
**ORDER TO SHOW CAUSE**

On March 11, 2016, Plaintiff Erlindo Casenas (“Plaintiff”) filed the Complaint underlying this action. To date, however, the docket does not contain a proof of service or waiver of service for any defendant, and no defendant has appeared in this action. In addition, the court observes that Plaintiff failed to timely file a case management conference statement by June 9, 2016, in accordance with the initial scheduling order. Dkt. No. 4.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

If 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. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

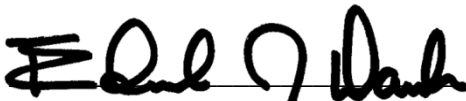
The 90-day period for service provided by Rule 4(m) expired on June 9, 2016. Accordingly, the court issues the instant Order to Show Cause (“OSC”) requiring that Plaintiff, no later than **June 17, 2016**, either: (1) file documents to show proof of service of the Summons and Complaint on defendants; or (2) explain in writing why service has not been accomplished. No hearing will be held on the order to show cause unless otherwise ordered by the court.

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

In light of this order, the Case Management Conference scheduled for June 16, 2016, is  
VACATED and will be reset, if necessary, upon resolution of the issue addressed herein.

**IT IS SO ORDERED.**

Dated: June 10, 2016

  
EDWARD J. DAVILA  
United States District Judge