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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,
Plaintiff,

v.

HARVEST INVESTMENT
MANAGEMENT, LLC,
Defendant.

Case No.18-cv-01627-VKD

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE DISMISSED**

Plaintiff Scott Johnson filed the present action on March 15, 2018. Dkt. No. 1. Summons issued the same day. Dkt. No. 6. Pursuant to General Order No. 56, Mr. Johnson’s last day to complete service on defendant Harvest Investment Management, LLC or to file a motion for administrative relief from the service deadline was May 14, 2018. Dkt. No. 5. The docket does not indicate that service has been completed. Mr. Johnson has not filed a motion for administrative relief from the May 14, 2018 service deadline.

“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.” Fed. R. Civ. P. 4(m). The service deadline will be extended upon a showing of good cause. *Id.* In the present action, the 90-day deadline for completing service has long since passed and no showing of good cause has been made to extend the deadline.

Accordingly, Mr. Johnson’s attorneys, Chris Carson, Dennis Jay Price II, Mary Irene Melton, and Phyl Grace, are directed to file a written response to this order by **Thursday, August 16, 2018** and to appear before this Court on **August 21, 2018, 10:00 a.m.** in Courtroom 2 of the

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United States District Court, 280 South First Street, San Jose, California and show cause why this action should not be dismissed, without prejudice, for failure to timely complete service of process.

IT IS SO ORDERED.

Dated: August 10, 2018

Virginia K. DeMarchi
VIRGINIA K. DEMARCHI
United States Magistrate Judge