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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6 SAN JOSE DIVISION
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8 AUDREY L. KIMNER,
9 Plaintiff,

10 v.

11 PETER HANN, et al.,
12 Defendants.

Case No. 21-cv-06488-VKD

**ORDER TO SHOW CAUSE RE
DISMISSAL**

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14 On October 26, 2021, in view of Ms. Kimner's proof of her payment of the filing fee, the
15 Court issued an order advising Ms. Kimner that she is responsible for properly serving defendants
16 with process. Dkt. No. 12. That order further advised that as a first step, Ms. Kimner must fill out
17 summons form(s) and present them to the Clerk's Office for signature and seal. *Id.* at 2 (citing
18 Fed. R. Civ. P. 4(c)(1)). Additionally, the Court extended the service deadline from November 22,
19 2021 to January 6, 2022, noting that "[i]f Ms. Kimner does not properly serve defendants by
20 January 6, 2022, this action will be subject to dismissal pursuant to Rule 4(m), unless she shows
21 good cause for a further extension of the service deadline." *Id.* at 3.

22 The docket reflects that Ms. Kimner requested defendants' waiver of service on or around
23 November 10, 2021. Dkt. No. 14. However, the docket does not reflect submission of a form of
24 summons or issuance of summons. Nor is there any indication regarding the current status of Ms.
25 Kimner's efforts to serve defendants with the complaint and summons or to obtain a waiver of
26 service.

27 Accordingly, by **January 21, 2022**, Ms. Kimner shall file a written response to this order
28 and show cause why the Court should not recommend dismissal of this action for her failure to

1 properly serve the defendants or failure to prosecute this action.

2 **IT IS SO ORDERED.**

3 Dated: January 7, 2022

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5 *Virginia K. DeMarchi*
6 VIRGINIA K. DEMARCHI
7 United States Magistrate Judge
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Northern District of California