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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,
Plaintiff,
v.
THE PASTARIA & MARKET,
Defendant.

Case No. [5:21-cv-06941-EJD](#)

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

Plaintiff Scott Johnson filed the present action on September 8, 2021. Dkt. No. 1. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff’s last day to complete service on Defendant or to file a motion for administrative relief from the service deadline was December 7, 2021. The docket does not indicate that Plaintiff completed service on Defendant or that Defendant has waived service of summons.

“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, Plaintiff is directed to appear before the Court on **January 27, 2022, at 10:00 a.m.** and show cause why this action should not be dismissed without prejudice for failure to timely complete service of process and for failure to prosecute. If Plaintiff contests dismissal of

Case No.: [5:21-cv-06941-EJD](#)
OSC WHY ACTION SHOULD NOT BE DISMISSED

1 Defendant, he shall file a response to this order no later than **January 18, 2022**. If Plaintiff fails
2 to file a written response by the above deadline, the Court will dismiss the action without
3 prejudice pursuant to Federal Rule of Civil Procedure 41(b).

4 **IT IS SO ORDERED.**

5 Dated: January 7, 2022

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8 EDWARD J. DAVILA
United States District Judge

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