

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

JEFFREY P. POMERANTZ,

Defendant.

CASE NO. C16-0689JLR

ORDER TO SHOW CAUSE

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a summons and a copy of the plaintiff's complaint and sets forth the specific requirements for doing so. *See Fed. R. Civ. P. 4.* Rule 4(m), which provides the timeframe in which service must be effectuated, states in relevant 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.

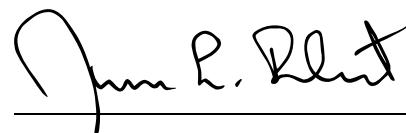
ORDER - 1

1 *Id.* Here, it appears that Plaintiff United States of America (“the Government”) has failed
2 to serve Defendant Jeffrey P. Pomerantz with a summons and a copy of the complaint
3 within the timeframe provided in Rule 4(m). (*See generally* Dkt.) Although the
4 Government’s complaint suggests that Mr. Pomerantz is located outside of the United
5 States (Compl. (Dkt. # 1) ¶ 3) and therefore must be served according to Federal Rule of
6 Civil Procedure 4(f) to which the Rule 4(m) timeframe does not apply, *see* Fed. R. Civ. P.
7 4(f) (describing the means by which to effectuate service in a foreign country), 4(m)
8 (stating that “[t]his subdivision (m) does not apply to service in a foreign country under
9 Rule 4(f)”), there is no indication that the Government has attempted to serve Mr.
10 Pomerantz (*see generally* Dkt.).

11 Accordingly, the court ORDERS the Government to SHOW CAUSE within ten
12 (10) days of the date of this order why this action should not be dismissed for failure to
13 comply with Rule 4 and/or to prosecute this action. If the Government does not timely
14 demonstrate respond to the court’s order to show cause, the court will dismiss the action
15 without prejudice.

16 Dated this 22nd day of February, 2017.

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JAMES L. ROBART
United States District Judge