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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

6 ALISHA R SILBAUGH,

7 Plaintiffs,

8 v.

9 DEPARTMENT OF HOMELAND
10 SECURITY, *et al.*,

11 Defendants.
12

Case No. C18-569 RSM

ORDER TO SHOW CAUSE

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14 This matter comes before the Court *sua sponte*. Plaintiff Alisha Silbaugh has named as
15 Defendants the Department of Homeland Security, Federal Protective Service Special Agent
16 John Dean in his official capacity, and three unidentified officers. Dkt. #5. No Defendant has
17 appeared in this matter.

18 Plaintiff Silbaugh filed this case on April 16, 2018. Dkt. #1. The Complaint was posted
19 on the docket on April 19, 2018. Dkt. #5. Summonses were provided to Plaintiff on May 14,
20 2018, with a letter explaining how to fill them out. Dkt. #11. The following day, Ms. Silbaugh
21 submitted purported proof of service. *See* Dkt. #12. This proof of service indicates that Ms.
22 Silbaugh served unsigned summonses on the Department of Homeland Security via email and
23 via mail to John Dean in the Federal Protective Service in Washington, D.C.
24

25 The above evidence of service indicates a failure to properly serve under Federal Rule of
26 Civil Procedure 4. Specifically, it appears that Ms. Silbaugh has not served the United States
27 under that Rule, and that she has failed to serve signed summonses. This explains why no
28

1 Defendant has appeared. Further, the time limit for service has now passed. Under Rule 4(m),
2 the Court must dismiss this action without prejudice or order that service be made within a
3 specific time, “unless plaintiff shows good cause for the failure.”

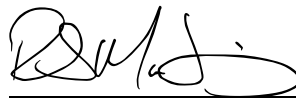
4 The Court finds that Ms. Silbaugh has failed to comply with the time limit of Rule 4(m)
5 and failed to prosecute her case. In Response to this Order, Plaintiff must write a short and plain
6 statement telling the Court why the time limit for service should be extended in this case. This
7 Response may not exceed **six (6) pages**.

9 The Court notes that Ms. Silbaugh filed a Motion to Correct the Identity of the Named
10 Defendant on August 13, 2018. Dkt. #13. Ms. Silbaugh is requesting to amend her Complaint,
11 however she has not included a copy of the proposed amended pleading as an exhibit. This is
12 required by Local Civil Rule 15. Accordingly, this Motion will be stricken as procedurally
13 improper. Although Ms. Silbaugh is free to refile this Motion according to the procedures set
14 forth in Local Civil Rule 15, the Court will not address any future motions from Ms. Silbaugh
15 until after reviewing Ms. Silbaugh’s Response to this Order to Show Cause.
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18 The Court hereby finds and ORDERS:

- 19 1) Plaintiff shall file a Response to this Order to Show Cause no later than **fourteen (14)**
20 **days** from the date of this Order. Failure to file will result in dismissal of this case.
21 2) Plaintiff’s Motion to Correct the Identity of the Named Defendant (Dkt. #13) is
22 STRICKEN as procedurally improper.
23

24 DATED this 15th day of August 2018.

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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE