

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

RHAWN JOSEPH, PH.D. v. U.S. DEPT OF JUSTICE, et al.

Joseph · No. 25-cv-02773-NW · Decided October 31, 2025

SUMMARY

The United States District Court for the Northern District of California ordered Plaintiff to show cause why the action should not be dismissed without prejudice for failure to timely and properly serve the defendants under Federal Rule of Civil Procedure 4. The court also explained that electronic service through CM/ECF is generally available for later-filed documents after proper service of the defendants and directed Plaintiff to associate his CM/ECF account with the case.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Noél Wise
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 31, 2025
DOCKET	25-cv-02773-NW
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause after determining that Plaintiff had not filed proof that Defendants were timely and properly served.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Rhawn Joseph, Ph.D. v. U.S. Department of Justice, et al.

TOPICS

- service of process
- civil procedure

PRACTICE AREAS

- civil procedure
- federal litigation

QUESTIONS PRESENTED

1. Whether Plaintiff should be required to show cause why the action should not be dismissed without prejudice for failure to timely and properly serve Defendants under Federal Rule of Civil Procedure 4.
2. Whether Plaintiff could use CM/ECF to serve the complaint and other case-initiating documents before effectuating service under Rule 4.
3. Whether Plaintiff should associate his existing CM/ECF account with the case to receive electronic filing notifications.

HOLDINGS

1. Because Plaintiff had not filed proof of service within the ninety-day period and had not demonstrated compliance with the government-service procedures in Rule 4(i), the court ordered him to show cause why the action should not be dismissed without prejudice.
2. Plaintiff could not use CM/ECF to serve the complaint or other case-initiating documents in place of service under Rule 4; CM/ECF may be used to serve non-case-initiating documents under Rule 5 after proper service is effectuated.

KEY QUOTATIONS

“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.” (at 1)

“Plaintiff may use CM/ECF to serve non-case-initiating documents upon Defendants once he effectuates service upon Defendants.” (at 2)

FACTUAL BACKGROUND

Plaintiff filed this federal civil action on March 24, 2025, and summonses were issued that day. He had not filed proof showing that any Defendant had been served within ninety days, nor had he shown compliance with Federal Rule of Civil Procedure 4(i)'s requirements for serving the government. The United States Attorney's Office had notified Plaintiff that his attempted service was defective, including because Federal Express is not registered or certified mail under Rule 4(i)(1).

PROCEDURAL HISTORY

Plaintiff filed the action on March 24, 2025, against several dozen government officials and entities, and summonses were issued the same day. Plaintiff had not filed a certificate of service within the ninety-day period and had not demonstrated compliance with the special service procedures for the federal government. The court ordered Plaintiff to show cause within fourteen days why the action should not be dismissed without prejudice for failure to timely and properly serve Defendants.

DISPOSITION

other

CASES CITED

- Ignacio v. Judges of U.S. Court of Appeals for Ninth Circuit, 453 F.3d 1160, 1163-1165 (9th Cir. 2006)
- Lietz v. Drug Enforcement Administration, No. 23-35603, 2025 WL 289169, at *1 (9th Cir. Jan. 24, 2025)

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