

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

OPINION

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

PER CURIAM.

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4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 RHAWN JOSEPH, PH.D., Case No. 25-cv-02773-NW 8 Plaintiff,

ORDER TO SHOW CAUSE

v. 9 Re: ECF No. 1 10 U.S. DEPT OF JUSTICE, et al., Defendants. 11 12 13 Plaintiff Rhawn
Johnson, Ph. D.,¹ filed this action on March 24, 2025 against several 14 dozen government
officials and entities.² ECF No. 1. Summons was issued that same day. ECF 15 No. 2. 16 To
maintain his suit, a plaintiff must serve a summons and a copy of the complaint in the 17 manner
and within the time prescribed by Federal Rule of Civil Procedure 4. “Unless service is 18 waived,
proof of service must be made to the court.” Fed. R. Civ. P. 4(l)(1). “If a defendant is not 19
served within 90 days after the complaint is filed, the court—on motion or on its own after notice
20 21 1 Plaintiff is self-represented. So that Plaintiff is fully informed, the Court notes that the San
Jose Courthouse houses a Federal Pro Se Program that provides free information and limited-
scope 22 legal advice to pro se parties in federal civil cases. The Program can help determine
whether cases might be eligible for appointment of pro bono counsel and can provide referrals to
other legal 23 services. Appointments can be made by calling (408) 297-1480. More information
is available online at [https://cand.uscourts.gov/representing-yourself/federal-pro-se-program-san-](https://cand.uscourts.gov/representing-yourself/federal-pro-se-program-san-jose-)
jose- 24 courthouse. 25 2 The complaint’s caption lists the United States District Court for the
Northern District of California as a Defendant. Nevertheless, the “rule of necessity” means that
the undersigned need 26 not recuse herself. See *Ignacio v. Judges of U.S. Court of Appeals for*
Ninth Circuit, 453 F.3d 1160, 1163–1165 (9th Cir. 2006) (finding that under the rule of necessity
—which allows a 27 normally disqualified judge to hear a case that could not otherwise be heard
—a three-member 1 to the plaintiff—must dismiss the action without prejudice against that
defendant or order that 2 service be made within a specified time.” Fed. R. Civ. P. 4(m). 3 Plaintiff
has not filed a certificate of service showing that any Defendant has been served 4 within the 90-
day deadline as set forth in Rules 4(m) of the Federal Rules of Civil Procedure, nor 5 has Plaintiff
demonstrated that he complied with the procedures required for serving the 6 government set forth

in Rule 4(i).³ Accordingly, Plaintiff is ORDERED to show cause why this matter should not be dismissed for failure to timely and properly serve Defendants. Plaintiff shall file a written response to this order to show cause within 14 days. Plaintiff also requests leave to file and serve all documents electronically via the CM/ECF system. ECF No. 22. As explained more comprehensively in the CAND pro se handbook, “the rules for serving the complaint are different from the rules for serving other documents. Pro Se Handbook at 11, available at <https://cand.uscourts.gov/representing-yourself/pro-se-handbook> (emphasis in original). To maintain his suit, Plaintiff must serve each Defendant in accordance with Rule 4. Plaintiff may use CM/ECF to serve non-case-initiating documents upon Defendants once he effectuates service upon Defendants. See Fed. R. Civ. P. 5 (governing service of papers that do not assert a claim for relief). The Court understands that Plaintiff already has a CM/ECF account, however. ECF No. 22. Plaintiff is directed to associate his account with this suit so that he receives Notices of Electronic Filing (“NEFs”) from the Court.⁴ As a one-time courtesy, the Court’s courtroom deputy will email this order to Plaintiff to ensure he receives these instructions. Going forward, the Court will presume that Plaintiff receives all Court filings and other notifications when they are transmitted electronically, and the Court will no longer mail filings and notifications to Plaintiff’s address. IT IS SO ORDERED. Dated: October 31, 2025 Noël Wise United States District Judge

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