

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rodriguez-Sorto v. The Geo Group, Inc.

Rodriguez-Sorto · No. 1:25-cv-00346-JLT-CDB · Decided June 24, 2025

SUMMARY

The United States Magistrate Judge recommends dismissing the United States and U.S. Immigration and Customs Enforcement without prejudice for failure to timely effect service under Federal Rules of Civil Procedure 4(i) and 4(m). The recommendation follows Plaintiff’s failure to file returns of service or show good cause after an order to show cause. The parties were given 14 days to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 24, 2025
DOCKET	1:25-cv-00346-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Magistrate judge findings and recommendations, issued after Plaintiff failed to timely serve the United States and U.S. Immigration and Customs Enforcement and failed to respond to an order to show cause.
STANDARD OF REVIEW	The district judge will review the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C); the recommendation also applies the Rule 4(m) service deadline and the court's discretion to dismiss without prejudice or extend the service period.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- service of process
- civil procedure
- immigration
- sanctions

PRACTICE AREAS

- civil procedure
- immigration

QUESTIONS PRESENTED

1. Whether the United States and U.S. Immigration and Customs Enforcement should be dismissed without prejudice because Plaintiff failed to comply with the service requirements of Federal Rule of Civil Procedure 4(i) and the 90-day deadline in Rule 4(m).
2. Whether Plaintiff established good cause or otherwise warranted an extension of time to serve the Government Defendants.

HOLDINGS

1. Because Plaintiff failed to timely serve the United States and ICE, failed to comply with Rule 4(i), and did not show good cause for the failure, dismissal without prejudice under Rule 4(m) was warranted and recommended.

KEY QUOTATIONS

“Absent a showing of good cause, failure to comply with Rule 4(m) requires dismissal of any unserved defendant.” (at 1)

“Because the Court previously directed Plaintiff to show cause why unserved defendants should not be dismissed and Plaintiff failed to present good cause for failing to timely serve Government Defendants, imposing the sanction of dismissal is not only warranted, but required under Rule 4(m).” (at 2)

FACTUAL BACKGROUND

Plaintiff filed a complaint against The GEO Group, Inc., Golden State Annex, the United States, and ICE. Although Plaintiff filed a return of service for Golden State Annex and The GEO Group, no return of service was filed for the United States or ICE. Plaintiff did not respond to the court's order to show cause or establish good cause for failing to timely serve the Government Defendants.

PROCEDURAL HISTORY

Plaintiff filed the action on March 21, 2025, against The GEO Group, Inc., Golden State Annex, the United States, and ICE. Plaintiff filed a return of service for Golden State Annex and The GEO Group, but no proof of service for the Government Defendants. After the court issued an order to show cause regarding service, Plaintiff neither filed proofs of service for the Government Defendants nor demonstrated good cause for noncompliance. The magistrate judge recommended dismissal without prejudice of the Government Defendants and termination of those defendants from the docket, subject to review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000)
- In re Sheehan, 253 F.3d 507, 512 (9th Cir. 2001)
- Petrucelli v. Bohringer & Ratzinger, GMBH, 46 F.3d 1298, 1305 (3d Cir. 1995)

- **Wilkerson v. Wheeler**, 772 F.3d 834, 839 (9th Cir. 2014)

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