

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Jevarien Zymell Dunlap v. San Francisco

Dunlap · No. 25-cv-08144-TSH · Decided January 7, 2026

SUMMARY

The United States District Court for the Northern District of California ordered Plaintiff Jevarien Zymell Dunlap to show cause in writing why the case should not be dismissed for failure to file proof of service. The order explains the service requirements under Federal Rule of Civil Procedure 4 and warns that failure to respond by January 21, 2026, may result in dismissal without prejudice. The January 15, 2026 case management conference was vacated.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Thomas S. Hixson
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 7, 2026
DOCKET	25-cv-08144-TSH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a civil action but had not filed proof of service of the summons and complaint. The court issued an order to show cause requiring Plaintiff to explain why the action should not be dismissed or why service should not be ordered within a specified time.
PRECEDENTIAL VALUE	Unknown
PARTIES	Jevarien Zymell Dunlap v. San Francisco

TOPICS

- service of process
- personal jurisdiction
- civil procedure

PRACTICE AREAS

- civil procedure
- personal jurisdiction
- service of process

QUESTIONS PRESENTED

1. Whether the absence of proof that Defendant was served required the court to address service under Federal Rule of Civil Procedure 4(m).
2. Whether Plaintiff must show cause for failing to file proof of service and comply with the service requirements of Federal Rule of Civil Procedure 4.

HOLDINGS

1. Proper service of process is a prerequisite to the court's exercise of personal jurisdiction over a defendant, and a federal court lacks personal jurisdiction over a defendant who has not been served in accordance with Federal Rule of Civil Procedure 4.
2. If a defendant is not served within 90 days after the complaint is filed, the court, after notice to the plaintiff, must dismiss the action without prejudice or order that service be made within a specified time.
3. Pro se parties are not excused from complying with the service requirements of Federal Rule of Civil Procedure 4, and actual notice does not substitute for compliance with Rule 4.

KEY QUOTATIONS

“Proper service of process is a prerequisite to the Court’s exercise of personal jurisdiction over a defendant.”
(at 1)

“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)

FACTUAL BACKGROUND

Jevarien Zymell Dunlap filed the action on September 25, 2025. No proof of service of the summons and complaint had been filed by the date of the order. Because service had not been shown, the court required Plaintiff to demonstrate why the case should not be dismissed or why additional time for service should be granted.

PROCEDURAL HISTORY

Plaintiff filed the case on September 25, 2025. As of the January 7, 2026 order, no proof of service had been filed. The court ordered Plaintiff to respond in writing by January 21, 2026, and vacated the January 15, 2026 case management conference.

DISPOSITION

other

CASES CITED

- Crowley v. Bannister, 734 F.3d 967, 974-75 (9th Cir. 2013)
- Travelers Cas. & Sur. Co. of Am. v. Brenneke, 551 F.3d 1132, 1135 (9th Cir. 2009)

- *McMasters v. United States*, 260 F.3d 814, 817-18 (7th Cir. 2001)
- *Brown v. Wachovia Bank*, 244 F.R.D. 16, 19 (D.D.C. 2007)
- *Clariett v. Rice*, 2005 WL 3211694, at *4 (D.D.C. Oct. 18, 2005)

OPINION

Dunlap

PER CURIAM.

1 2

3 UNITED STATES DISTRICT COURT

4 NORTHERN DISTRICT OF CALIFORNIA

5 6 JEVARIEN ZYMELL DUNLAP, Case No. 25-cv-08144-TSH 7 Plaintiff,

ORDER TO SHOW CAUSE

8 v.

9 SAN FRANCISCO,

10 Defendant. 11

12 Plaintiff Jevarien Zymell Dunlap filed this case on September 25, 2025. To date, no proof 13 of
service of the summons and complaint has been filed. 14 Proper service of process is a
prerequisite to the Court’s exercise of personal jurisdiction 15 over a defendant. Fed. R. Civ. P.
4(k). “‘A federal court is without personal jurisdiction over a 16 defendant unless the defendant
has been served in accordance with Federal Rule of Civil

17 Procedure 4.’” *Crowley v. Bannister*, 734 F.3d 967, 974–75 (9th Cir. 2013) (quoting *Travelers*
18 *Cas. & Sur. Co. of Am. v. Brenneke*, 551 F.3d 1132, 1135 (9th Cir. 2009)). “[N]othing in the 19
Federal Rules of Civil Procedure allows a judge to excuse service altogether. Actual notice to the
20 defendant is insufficient; the plaintiff must comply with the directives of Rule 4.” *McMasters v.*
21 *United States*, 260 F.3d 814, 817–18 (7th Cir. 2001) (citation omitted). Pro se parties are not 22
excused from the service requirements of Rule 4. *Brown v. Wachovia Bank*, 244 F.R.D. 16, 19 23
(D.D.C. 2007) (citing *Clariett v. Rice*, 2005 WL 3211694, at *4 (D.D.C. Oct.18, 2005)). 24 “If a
defendant is not served within 90 days after the complaint is filed, the court – on 25 motion or on
its own after notice to the plaintiff – must dismiss the action without prejudice 26 against that
defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). 27
Accordingly, the Court ORDERS Plaintiff to show cause, in writing and no later than January 21,
1 4(m). Notice is hereby provided that failure to file a written response will be deemed an 2
admission that you do not intend to prosecute, and this case will likely be dismissed. Thus, it is 3
imperative the Court receive a written response by the deadline above. The January 15, 2026 case
4 || management conference is VACATED. 5 The Court encourages Plaintiff to seek assistance
from the Federal Pro Bono Project, a free 6 service offered by the Justice & Diversity Center of
the Bar Association of San Francisco. You 7 || may request an appointment by emailing
fedpro@sfbbar.org or calling 415-782-8982. At the 8 Federal Pro Bono Project, you will be able to

speak with an attorney who may be able to provide 9 || basic legal help but not representation.
More information is available at 10 ||
11 Plaintiff may also
wish to obtain a copy of this District’s Handbook for Litigants Without a 12 || Lawyer, which
provides instructions on how to proceed at every stage of your case. The 13 || handbook is
available in person at the Clerk’s Office and online at: 14 || [https://www.cand.uscourts.gov/pro-se-](https://www.cand.uscourts.gov/pro-se-litigants/)
litigants/. 15 IT IS SO ORDERED. 17 Dated: January 7, 2026
LAAN. LJj-7—
THOMAS S. HIXSON
19 United States Magistrate Judge 20 21 22 23 24 25 26 27 28