

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.

OPINION

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 admission that you do not intend to prosecute, and this case will likely be dismissed.

Thus, it is imperative the Court receive a written response by the deadline above. The January 15, 2026 case management conference is VACATED. The Court encourages Plaintiff to seek assistance from the Federal Pro Bono Project, a free service offered by the Justice & Diversity Center of the Bar Association of San Francisco. You may request an appointment by emailing fedpro@sfbar.org or calling 415-782-8982.

At the Federal Pro Bono Project, you will be able to speak with an attorney who may be able to provide basic legal help but not representation. More information is available at <https://www.fedpro.org>. Plaintiff may also wish to obtain a copy of this District's Handbook for Litigants Without a Lawyer, which provides instructions on how to proceed at every stage of your case.

The handbook is available in person at the Clerk's Office and online at: <https://www.cand.uscourts.gov/pro-se-litigants/>. IT IS SO ORDERED. Dated: January 7, 2026 LAAN. LJj-7— THOMAS S. HIXSON United States Magistrate Judge