

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)

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