

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Anthony Boyd v. J. Miller, et al.

Boyd · No. 25-cv-05145-VKD · Decided October 24, 2025

SUMMARY

The United States District Court for the Northern District of California orders reassignment of Anthony Boyd’s civil rights action to a district judge and recommends dismissal without prejudice. The recommendation is based on Boyd’s failure to prosecute, failure to complete service, and failure to comply with court orders.

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6
SAN JOSE DIVISION 7 8 ANTHONY BOYD, Case No. 25-cv-05145-VKD 9 Plaintiff, ORDER
FOR REASSIGNMENT TO A DISTRICT JUDGE v. 10 REPORT AND RECOMMENDATION
11 J. MILLER, et al., RE DISMISSAL WITHOUT PREJUDICE Defendants. 12 Re: Dkt. No. 1
13 14 For the reasons discussed below, this Court directs the Clerk of the Court to reassign this 15
action to a district judge, with the recommendation that this case be dismissed without prejudice,
16 for Mr. Boyd’s failure to prosecute and failure to comply with court orders.

17 REPORT AND RECOMMENDATION 18 On June 18, 2025, plaintiff Anthony Boyd, who is
representing himself, filed this civil 19 rights action against several named officers of the San Jose
Police Department (SJPD) as well as 20 eleven unnamed Doe officers of the SJPD. Dkt. No. 1.

Because he paid the filing fee, the Court 21 did not screen Mr. Boyd’s complaint pursuant to 28
U.S.C. § 1915(e). See id. 22 On August 18, 2025, the Court issued an order noting that “Mr. Boyd
has not submitted a 23 proposed summons for issuance by the Court, and no summons has
issued,” and that “[t]here has 24 been no appearance by any defendant nor any indication that any
defendant has waived service of 25 summons or otherwise been properly served.” Dkt.

No. 7 at 1. The Court also noted that 26 “[p]ursuant to Rule 4(m) of the Federal Rules of Civil
Procedure, Mr. Boyd’s last day to complete 27 service on the defendants is September 16, 2025.”
Id. The Court directed Mr. Boyd to file a 1 Id. The Court also cautioned Mr. Boyd that “[i]f [he]
fails to respond to this order or to otherwise 2 timely obtain an extension of the service deadline
for good cause shown, the Court will direct that 3 this matter be reassigned to a district judge with
the recommendation that the case be dismissed 4 || without prejudice.” Id.

5 On September 22, 2025, the Court issued an order noting that Mr. Boyd did not file a 6 status report by September 16, 2025, as ordered. Dkt. No. 10 at 1. The Court stated that the 7 docket reflected that the Clerk of the Court issued Mr. Boyd's proposed summons on September 8 16, 2025 (Dkt. No. 9) and that there had been no further activity on the docket which suggested 9 that defendants may not have been served.

Id. The Court extended the deadline for service of 10 || process to October 16, 2025 and ordered Mr. Boyd to promptly file proofs of service after 11 completing service on defendants. /d. The Court also directed Mr. Boyd to file a report regarding 12 || the status of his efforts to complete service on defendants by October 16, 2025. Id. 5 13 The October 16, 2025 deadline has passed.

Mr. Boyd has not filed proofs of service or a 14 status report. Nor has he made a timely request to extend the service deadline or responded to the 3 15 Court's August 18, 2025 and September 22, 2025 orders. a 16 This Court does not have the consent of all parties. 28 U.S.C. § 636(c); Fed. R. Civ. P. 73; 3 17 Williams v. King, 875 F.3d 500 (9th Cir. 2017).

Accordingly, the Court orders this case 18 || reassigned to a district judge with the recommendation that Mr. Boyd's complaint be dismissed 19 without prejudice for failure to prosecute and failure to comply with court orders. See Fed. R. Civ. 20 || P. 4(m). 21 Any party may serve and file objections to this report and recommendation within 14 days 22 after being served.

28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; Civil L.R. 72-3. 23 IT IS SO ORDERED. 24 Dated: October 24, 2025 25 26 Vurapvia BE, QuMarcbe: Virginia K. DeMarchi United States Magistrate Judge 28