

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Michael W. Ledesma v. Sean Duffy

Ledesma · No. 1:25-cv-01155-KES-CDB · Decided December 11, 2025

SUMMARY

The United States District Court for the Eastern District of California orders Plaintiff Michael W. Ledesma to show cause within five days why sanctions, including dismissal, should not be imposed for failing to serve Defendant Sean Duffy within the time required by Federal Rule of Civil Procedure 4(m) and the Court’s orders. The Court vacates the scheduling conference set for December 17, 2025, pending Plaintiff’s response and warns that noncompliance will result in a recommendation of dismissal.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
DECIDED	December 11, 2025
DOCKET	1:25-cv-01155-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause why sanctions, including dismissal, should not be imposed for failure to serve the summons and complaint within the time required by Federal Rule of Civil Procedure 4(m), and vacated the previously scheduled conference.
PRECEDENTIAL VALUE	unpublished

TOPICS

- service of process
- sanctions
- civil procedure

PRACTICE AREAS

- civil procedure
- employment discrimination

QUESTIONS PRESENTED

- Whether Plaintiff should be required to show cause why sanctions, including dismissal, should not be imposed for failure to comply with the court's service orders and Federal Rule of Civil Procedure 4(m).

2. Whether the December 17, 2025, scheduling conference should be vacated pending Plaintiff's response to the order to show cause.

HOLDINGS

1. When a defendant has not been served within 90 days after the complaint is filed, the court may require the plaintiff to show cause and, absent good cause for the failure, dismissal of the unserved defendant is required under Rule 4(m).

KEY QUOTATIONS

“Based on the foregoing, IT IS HEREBY ORDERED that, within five (5) days of entry of this order, Plaintiff SHALL show cause in writing why sanctions should not be imposed — including dismissal of this action — for Plaintiffs failure to serve the summons and complaint in a timely manner in compliance with the Court’s orders and Rule 4(m).” (at 2)

FACTUAL BACKGROUND

Michael W. Ledesma filed this action against Sean Duffy, the Secretary of the United States Department of Transportation, on September 8, 2025. Despite a court order directing diligent service and prompt filing of proofs of service, Plaintiff had not served Duffy or filed proof of service more than 90 days after filing the complaint. Plaintiff also had not provided a report explaining the failure to serve.

PROCEDURAL HISTORY

Plaintiff filed the complaint on September 8, 2025. The court subsequently ordered diligent service and filing of proofs of service, but more than 90 days elapsed without proof of service or an explanation for the failure to serve Defendant Sean Duffy. The court ordered Plaintiff to respond within five days and vacated the December 17, 2025, scheduling conference.

DISPOSITION

other

CASES CITED

- Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000)

OPINION

Ledesma

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 MICHAEL W. LEDESMA,
Case No. 1:25-cv-01155-KES-CDB 12 Plaintiff,
ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED

13 v.

FOR PLAINTIFF’S FAILURE TO COMPLY
WITH THE COURT’S ORDERS AND FED.

14 SEAN DUFFY,

R. CIV. P. 4(m) 15 Defendants.

ORDER VACATING DECEMBER 17, 2025,
SCHEDULING CONFERENCE

16 5-Day Deadline 17 18 Plaintiff Michael W. Ledesma initiated this action with the filing of a
complaint on

19 September 8, 2025, against Defendant Sean Duffy, the Secretary of the United States
Department

20 of Transportation. (Doc. 1). The next day, the Court entered an order setting a mandatory 21
scheduling conference. (Doc. 4). The Court’s order directed Plaintiffs to “diligently pursue 22
service of summons and complaint” and “promptly file proofs of service.” (Doc. 4 at 1). The 23
order further advised Plaintiffs that failure to timely complete service “may result in the
imposition 24 of sanctions, including the dismissal of unserved defendants.” Id. 25 To date, it has
been more than 90 days since Plaintiff filed the complaint and Plaintiff has 26 not filed proof of
service nor any report setting forth an explanation for the failure to serve 27 Defendant Sean
Duffy. 28 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
Rules 1 || } or with any order of the Court may be grounds for imposition by the Court of any and
all 2 || sanctions...within the inherent power of the Court.” The Court has the inherent power to
control 3 || its docket and may, in the exercise of that power, impose sanctions where appropriate,
including 4 || dismissal of the action. *Bautista v. Los Angeles County*, 216 F.3d 837, 841 (9th Cir.
2000). 5 In addition, Rule 4(m) of the Federal Rules of Civil Procedure provides: “If a defendant is
6 || not served within 90 days after the complaint is filed, the court - on motion or on its own after
7 || notice to the plaintiff - must dismiss the action without prejudice against that defendant or
order 8 || that service be made within a specified time.” Fed. R. Civ. P. 4(m). Absent a showing of
good 9 || cause, failure to comply with Rule 4(m) requires dismissal of any unserved defendant. 10
Conclusion and Order 11 Based on the foregoing, IT IS HEREBY ORDERED that, within five (5)
days of entry of 12 || this order, Plaintiff SHALL show cause in writing why sanctions should not
be imposed — 13 || including dismissal of this action — for Plaintiffs failure to serve the summons
and complaint in a 14 || timely manner in compliance with the Court’s orders and Rule 4(m). 15
And IT IS FURTHER ORDERED that the scheduling conference set for December 17, 16 || 2025,
is VACATED, to be reset based upon Plaintiffs response to the Court’s order. 17 Any failure by

Plaintiff to timely comply with this order will result in a recommendation 18 || that this action be
dismissed. 19 |) IT IS SOORDERED. Dated: _ December 11, 2025 | hr
21 UNITED STATES MAGISTRATE JUDGE
22 23 24 25 26 27 28