

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PRECEDENTIAL VALUE	unpublished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

1. 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)