

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

---

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 SO ORDERED. Dated: \_ December 11, 2025 | hr  
21 UNITED STATES MAGISTRATE JUDGE  
22 23 24 25 26 27 28