

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Jan Marie Walker-Cook v. Scripps Health

Walker-Cook · No. 3:25-cv-01670-JAH-JLB · Decided January 8, 2026

SUMMARY

The United States District Court for the Southern District of California dismissed Jan Marie Walker-Cook’s complaint against Scripps Health without prejudice. The court found that Plaintiff failed to serve Defendant within the period required by Federal Rule of Civil Procedure 4(m) and failed to respond to the court’s order to show cause.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	John A. Houston
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 8, 2026
DOCKET	3:25-cv-01670-JAH-JLB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court sua sponte dismissed Plaintiff's complaint without prejudice after Plaintiff failed to serve Defendant within the time required by Federal Rule of Civil Procedure 4(m) and failed to respond to the court's order to show cause.
STANDARD OF REVIEW	The court exercised its inherent authority to dismiss sua sponte for lack of prosecution and applied Federal Rule of Civil Procedure 4(m).
PRECEDENTIAL VALUE	Unknown

TOPICS

- service of process
- civil procedure
- default

PRACTICE AREAS

- civil procedure
- service of process

QUESTIONS PRESENTED

1. Whether the complaint should be dismissed without prejudice because Plaintiff failed to serve Defendant within the period required by Federal Rule of Civil Procedure 4(m).
2. Whether the court could sua sponte dismiss the action for failure to prosecute and failure to comply with the court's order to show cause.

HOLDINGS

1. A complaint may be dismissed without prejudice when the plaintiff fails to serve the defendant within 90 days after filing and fails to show good cause for an extension.
2. A court may sua sponte dismiss an action for lack of prosecution when the plaintiff fails to comply with the Federal Rules of Civil Procedure and a court order.

KEY QUOTATIONS

“It is within the inherent power of the court to sua sponte dismiss a case for lack of prosecution.” (at 1)

“The Court found that more than 90 days had elapsed without service of the Defendant, and the Court provided Plaintiff with the opportunity “to show cause why her complaint should not be dismissed for failure of service pursuant to Federal Rule of Civil Procedure Rule 4(m).”” (at 1)

FACTUAL BACKGROUND

Plaintiff filed a complaint against Scripps Health but did not serve Defendant within 90 days after filing. More than 190 calendar days had elapsed without service. After the court ordered Plaintiff to show cause and explain why the case should not be dismissed, Plaintiff filed no response by the deadline or afterward.

PROCEDURAL HISTORY

Plaintiff filed a complaint against Scripps Health but did not serve Defendant more than 190 days after filing. The court issued an order to show cause directing Plaintiff to explain why the action should not be dismissed for failure of service and setting a December 22, 2025 deadline. Plaintiff submitted no briefing by that deadline or thereafter, so the court dismissed the case without prejudice and directed the Clerk to close the matter.

DISPOSITION

dismissed

CASES CITED

- Ash v. Cvetkov, 739 F.2d 493, 496 (9th Cir. 1984)
- Link v. Wabash R.R., 370 U.S. 626, 633 (1962)

OPINION

Walker-Cook

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 Jan Marie Walker-Cook, Case No.: 3:25-cv-01670-JAH-JLB 12 Plaintiff,

ORDER DISMISSING CASE

13 v. WITHOUT PREJUDICE

14 Scripps Health, 15 Defendant. 16 17 On November 25, 2025, the Court issued an order to show
cause in the above- 18 entitled matter, directing Plaintiff Jan Marie Walker-Cook (“Plaintiff”) to
file a brief by

19 December 22, 2025 to explain why her complaint should not be dismissed for failure to
20 serve Defendant Scripps Health (“Defendant”). ECF No. 10. The Court found that more 21
than 90 days had elapsed without service of the Defendant, and the Court provided Plaintiff 22
with the opportunity “to show cause why her complaint should not be dismissed for failure 23 of
service pursuant to Federal Rule of Civil Procedure Rule 4(m).” Id. at 2. 24 In its order to show
cause, the Court also indicated: “If Plaintiff fails to present good 25 cause for an additional
extension, the Court will dismiss the complaint without prejudice 26 pursuant to Federal Rule of
Civil Procedure 4(m).” While the summons and the complaint 27 must be served on a defendant
“within 90 days after filing the complaint” pursuant to Rule 28 1 ||4(m), it has now been more than
190 calendar days in this case since the complaint was 2 || filed without Plaintiff’s service of the
Defendant. 3 Plaintiff has not submitted any briefing by the Court’s deadline of December 22, 4
||2025, or anytime thereafter. “It 1s within the inherent power of the court to sua sponte 5 || dismiss
a case for lack of prosecution.” Ash v. Cvetkov, 739 F.2d 493, 496 (9th Cir. 1984) 6 || (citing to
Link v. Wabash R.R., 370 U.S. 626, 633 (1962)). As a result, the Court finds that 7 || Plaintiff has
failed to comply with the Federal Rules of Civil Procedure and this Court’s 8 || prior order to show
cause, and the Court accordingly orders the complaint DISMISSED 9 || WITHOUT PREJUDICE.
The Clerk of Court is instructed to close the above-entitled 10 || matter. 11 12 IT IS SO
ORDERED. 13 14 || DATED: January 8, 2026 15 ye Ml sab

7 f JOHN A. HOUSTON

7 UNITED STATES DISTRICT JUDGE

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