

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.

OPINION

1 2 3 4 5 6 7 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 18 19 20 21 22 23 24 25 26 27 28

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