

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

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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