

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Lloyd Thomas Bernhard, II v. County of San Joaquin, et al.

No. 2:25-cv-01465-DC-SCR, United States District Court for the Eastern District of California (October 2, 2025)

SUMMARY

A United States magistrate judge recommends dismissing Lloyd Thomas Bernhard, II’s pro se civil action against the County of San Joaquin and other defendants without prejudice for failure to effect service within the time required by Federal Rule of Civil Procedure 4(m). The recommendation also directs the Clerk to enter judgment and close the case, subject to the parties’ right to file objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 2, 2025
DOCKET	2:25-cv-01465-DC-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations by a magistrate judge recommending dismissal without prejudice for failure to serve defendants within the time required by Federal Rule of Civil Procedure 4(m).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

service of process civil procedure

PRACTICE AREAS

civil procedure federal civil rights

QUESTIONS PRESENTED

- Whether the action should be dismissed without prejudice because Plaintiff failed to serve Defendants within 90 days as required by Federal Rule of Civil Procedure 4(m).
- Whether Plaintiff demonstrated good cause warranting an extension of the service period.

HOLDINGS

1. The court recommended dismissal without prejudice because Plaintiff did not serve Defendants within 90 days, did not file proof of service, and did not establish good cause for an extension.

KEY QUOTATIONS

“If a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” (at 1)

FACTUAL BACKGROUND

Plaintiff filed the action and obtained issuance of summons, but more than 90 days passed without any defendant being served or any return or proof of service being filed. Plaintiff's motion for an extension of time was denied because it did not demonstrate good cause. Plaintiff also failed to respond to the court's order to show cause regarding dismissal.

PROCEDURAL HISTORY

Plaintiff filed the action on May 27, 2025, and summons issued the same day. Plaintiff later sought a 90-day extension to complete service, but the court denied the motion for lack of good cause. After the 90-day service period expired, the court issued an order to show cause; Plaintiff did not respond, and no proof of service or defendant appearance was filed. The magistrate judge therefore recommended dismissal without prejudice and closure of the case, subject to objections and review by the assigned district judge.

DISPOSITION

other

CASES CITED

- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)