

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Jason Allen White v. San Joaquin General Hospital, et al.

White v. San Joaquin General Hospital, No. 2:25-cv-01808-SCR (E.D. Cal. Oct. 1, 2025) · No. No. 2:25-cv-01808-SCR · Decided October 2, 2025

SUMMARY

The United States District Court for the Eastern District of California orders Plaintiff Jason Allen White to show cause why the action should not be dismissed for failure to effect service under Federal Rule of Civil Procedure 4(m) or for lack of subject-matter jurisdiction. The court notes that no proof of service or defendant appearance has been filed, the complaint lacks a jurisdictional statement, and directs Plaintiff to respond within 14 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 2, 2025
DOCKET	No. 2:25-cv-01808-SCR
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an order to show cause before defendants appeared, directing plaintiff to explain why the action should not be dismissed for failure to effect service or lack of subject-matter jurisdiction.
STANDARD OF REVIEW	The court independently examined whether subject-matter jurisdiction existed and whether service was timely under Federal Rule of Civil Procedure 4(m).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jason Allen White v. San Joaquin General Hospital, et al.

TOPICS

- service of process
- subject matter jurisdiction
- pleadings
- civil procedure

PRACTICE AREAS

civil procedure

medical malpractice

QUESTIONS PRESENTED

1. Whether plaintiff should be required to show cause why the action should not be dismissed without prejudice for failure to effect service within the time required by Federal Rule of Civil Procedure 4(m).
2. Whether the complaint sufficiently established a basis for federal subject-matter jurisdiction under Federal Rule of Civil Procedure 8(a)(1).
3. Whether the Clerk should assign a district judge because no defendant had appeared and consent to magistrate-judge jurisdiction was unavailable.

HOLDINGS

1. Because more than 90 days had elapsed after filing without a return or proof of service and without a motion demonstrating good cause for an extension, plaintiff was required to show cause why the action should not be dismissed without prejudice under Federal Rule of Civil Procedure 4(m).
2. The court required plaintiff to show cause why the action should not be dismissed because the complaint did not state a jurisdictional basis and the alleged facts did not make federal jurisdiction obvious.

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.” (at 1)

“Failure to respond will result in dismissal of the action.” (at 2)

FACTUAL BACKGROUND

Jason Allen White sued San Joaquin General Hospital and other defendants in federal district court. White alleged that he was a California resident, that the medical center was located in California, and that his four causes of action appeared to arise under state law. No return or proof of service was filed within 90 days after the complaint, and no defendant appeared.

PROCEDURAL HISTORY

Plaintiff filed the action on June 26, 2025, and a summons issued on June 30, 2025. More than 90 days passed without a filed return or proof of service, without a motion to extend the service period, and without any defendant appearing. The complaint also lacked a jurisdictional statement and appeared to assert only state-law claims between California parties. The court ordered plaintiff to respond within 14 days and directed the Clerk to assign a district judge because defendant consent was unavailable.

DISPOSITION

other

CASES CITED

- Morongo Band of Mission Indians v. Cal. State Bd. of Equalization, 858 F.2d 1376, 1380 (9th Cir. 1988)
- Kokkonen v. Guardian Life Insurance Co., 511 U.S. 375, 377 (1994)
- DaimlerChrysler Corp. v. Cuno, 547 U.S. 332, 342 n.3 (2006)
- Renne v. Geary, 501 U.S. 312, 316 (1991)
- Dittman v. California, 191 F.3d 1020, 1025 (9th Cir. 1999)
- Grupo Dataflux v. Atlas Global Group, L.P., 541 U.S. 567, 593 (2004)

OPINION

White

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 JASON ALLEN WHITE, No. 2:25-cv-01808-SCR

12 Plaintiff,

13 v. ORDER TO SHOW CAUSE

14 SAN JOAQUIN GENERAL HOSPITAL,

et al., 15 Defendants. 16 17 18 This case was filed on June 26, 2025. ECF No. 1. This action has been assigned to the 19 Magistrate Judge under the court's automated case assignment plan. See Local Rules, Appendix 20 A, subsection (m). Pursuant to the Local Rule and the Court's initial scheduling order, the parties 21 are required to return the "CONSENT / DECLINE OF U.S. MAGISTRATE JUDGE 22 JURISDICTION" form to the Clerk within 90 days from the date the action was filed. ECF No. 4 23 at 2. In this case, the parties' consent/decline forms were due on September 24, 2025. 24 The forms have not been returned, and the record reflects that more than 90 days have 25 passed since the filing of this action and no return/proof of service is on file, nor has any 26 Defendant appeared. Additionally, the complaint does not contain a jurisdictional statement, and 27 the jurisdictional basis is unclear. Accordingly, Plaintiff shall show cause why the action should 28 not be dismissed for failure to effect service pursuant to Federal Rule of Civil Procedure 4(m), or 1 for lack of subject matter jurisdiction. 2 I. Time Limit for Service 3 Plaintiff filed this action on June 26, 2025. ECF No. 1. Summons issued on June 30, 4 2025. ECF No. 3. Federal Rule of Civil Procedure 4(l) states that "proof of service must be 5 made to the court." Federal Rule of Civil Procedure 4(m) provides in relevant part: "If a 6 defendant is not served within 90 days after the complaint is filed, the court--on motion or on its 7 own after notice to the

plaintiff--must dismiss the action without prejudice against that defendant 8 or order that service be made within a specified time. But if the plaintiff shows good cause for the 9 failure, the court must extend the time for service for an appropriate period.” The 90 days in 10 which to effect service expired on September 24, 2025. Plaintiff has not filed returns/proof of 11 service, nor has Plaintiff filed a motion to extend the time for service that demonstrates good 12 cause. 13 II. Jurisdiction 14 Jurisdiction is a threshold inquiry that must precede the adjudication of any case before 15 the district court. See *Morongo Band of Mission Indians v. Cal. State Bd. of Equalization*, 858 16 F.2d 1376, 1380 (9th Cir. 1988). Federal courts are courts of limited jurisdiction and may 17 adjudicate only those cases authorized by federal law. *Kokkonen v. Guardian Life Ins. Co.*, 511 18 U.S. 375, 377 (1994). It is “presume[d] that federal courts lack jurisdiction unless the contrary 19 appears affirmatively from the record.” *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342 n.3 20 (2006) (quoting *Renne v. Geary*, 501 U.S. 312, 316 (1991)). 21 Federal Rule of Civil Procedure 8(a)(1) requires a pleading to contain “a short and plain 22 statement of the grounds for the court’s jurisdiction[.]” Here, the complaint does not contain a 23 jurisdictional statement, and the jurisdictional basis is not obvious. Plaintiff alleges he is a 24 California state resident and he sues a medical center in California. ECF No. 1 at ¶¶ 1-2. The 25 four alleged causes of action all appear to be based in state law. 26 A federal court “ha[s] an independent obligation to address sua sponte whether [it] has 27 subject-matter jurisdiction.” *Dittman v. California*, 191 F.3d 1020, 1025 (9th Cir. 1999). It is the 28 obligation of the district court “to be alert to jurisdictional requirements.” *Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 593 (2004). The Court will therefore direct Plaintiff to address the basis for subject matter jurisdiction in response to this Order to Show Cause. Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff shall show cause, in writing, within 14 days of the date of this Order, why
° this action should not be dismissed based on failure to effect service or for lack of subject matter jurisdiction. ’ 2. Plaintiff shall respond by filing a brief, not to exceed 7 pages, explaining: A) why Plaintiff has not completed service; B) demonstrating good cause for an extension of ° time for service; and C) addressing the issues raised herein concerning subject matter '0 jurisdiction. If Plaintiff has completed service, a return/proof of service shall be filed.

3. Failure to respond will result in dismissal of the action.

"2 4. Additionally, as Defendant has not appeared and consent is unavailable at this time, 8 the Clerk of Court is DIRECTED to assign a District Judge to this case. 4 SO ORDERED. DATED:

October 1, 2025 16 mk

18 SEAN C. RIORDAN

19 UNITED STATES MAGISTRATE JUDGE

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