

United States District Court
Northern District of California

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IGLESIA NI CRISTO,
Plaintiff,
v.
LUISITO E CAYABYAB, et al.,
Defendants.

Case No. 18-cv-00561-BLF

**ORDER DISMISSING DEFENDANT
ISAIAS T. SAMSON, JR. WITHOUT
PREJUDICE FOR FAILURE TO
EFFECT SERVICE OF PROCESS; AND
DIRECTING PLAINTIFF TO FILE
ANY MOTION FOR CLERK’S ENTRY
OF DEFAULT AS TO DEFENDANT
JERIEL NEMIS ON OR BEFORE
OCTOBER 2, 2020**

In its Order Granting in Part and Denying in Part Defendants’ Motion for Summary Judgment (“MSJ Order”), the Court observed that three defendants had not yet appeared: Bernard Garcia (“Garcia”), Isaias T. Samson, Jr. (“Samson”), and Jeriel Nemis (“Nemis”). *See* MSJ Order at 2, ECF 135. The Court observed that Garcia had been served after the summary judgment hearing, but that the docket did not reflect service of process on Samson or Nemis. *See id.* The Court granted Plaintiff Iglesia Ni Cristo (“INC”) thirty days to file proof of service of process on Samson and Nemis, and advised that failure to do so would result in dismissal of Samson and Nemis. *See id.*

INC did not file proof of service of process on Samson within the thirty-day deadline, and still has not done so. Accordingly, Samson is DISMISSED WITHOUT PREJUDICE for failure to effect service of process as required by Federal Rule of Civil Procedure 4(m) and this Court’s MSJ Order.

1 INC filed proof of service of process on Nemis, showing that Nemis was served on April
2 1, 2020. *See* Proof of Service, ECF 136. Nemis has not responded. INC SHALL file any motion
3 for Clerk's entry of default as to Nemis on or before October 2, 2020.

4 **IT IS SO ORDERED.**

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6 Dated: September 18, 2020



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8 **BETH LABSON FREEMAN**
United States District Judge

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