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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

DERRIC WEBB,)	
)	
Plaintiff,)	
)	CIV 08-02144 PHX MHM MEA
vs.)	
)	REPORT AND RECOMMENDATION
JOSEPH ARPAIO,)	FOR DISMISSAL WITHOUT PREJUDICE
)	
Defendant.)	
_____)	

TO THE HONORABLE MARY H. MURGUIA:

Plaintiff filed his complaint on November 19, 2008. On February 13, 2009, the Court ordered Plaintiff to complete and return a service packet for Defendant to the Court by March 5, 2009. That order warned Plaintiff that his failure to timely comply with the provisions of the order would result in the dismissal of the complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

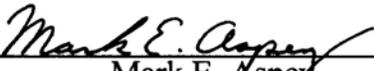
Plaintiff was warned that his failure to acquire a waiver of service from Defendant or to complete service of process on Defendant within 60 days of the Court's order, by April 13, 2009, would result in the dismissal of the complaint pursuant to Rule 4(m), Federal Rules of Civil Procedure, and Rule 16.2(b)(2)(B), Local Rules of Civil Procedure for the United States District Court for the District of Arizona.

1 On March 12, 2009, the Court allowed Plaintiff until
2 March 26, 2009, to show cause why this case should not be
3 dismissed for Plaintiff's failure to comply with the Court's
4 order of February 13, 2009, and Plaintiff's failure to return
5 service packets to the Court. Plaintiff has failed to show
6 cause for his failure to abide by the Court's orders and to
7 effect service of process on Defendant. There is no indication
8 in the civil docket in this matter that Plaintiff did not
9 receive the Order to Show Cause.

10 **THEREFORE, IT IS RECOMMENDED that** this case be
11 dismissed for Plaintiff's failure to serve the Defendant in this
12 matter and for Plaintiff's failure to comply with the Court's
13 order of February 13, 2009, and his failure to respond to the
14 Order to show cause issued March 12, 2009.

15 DATED this 13th day of April, 2009.

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Mark E. Aspey
United States Magistrate Judge