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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

DARIN WAYNE GRIFFIN,)	
)	
Plaintiff,)	
)	CIV 09-01418 PHX PGR MEA
vs.)	
)	REPORT AND RECOMMENDATION
JOSEPH ARPAIO,)	FOR DISMISSAL WITHOUT PREJUDICE
)	
Defendant.)	
_____)	

TO THE HONORABLE PAUL G. ROSENBLATT:

Plaintiff filed his complaint on July 6, 2009. On August 11, 2009, Plaintiff was granted leave to proceed *in forma pauperis* and the Court ordered Plaintiff to complete and return a service packet for Defendant to the Court by August 31, 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.

Plaintiff was warned that his failure to acquire a waiver of service from Defendant or to complete service of process on Defendant within 120 days of the date the complaint was filed, by November 3, 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), of the United States District Court for the District of Arizona Local Rules of Civil

1 Procedure. The civil docket in this matter indicates that
2 Plaintiff has failed to return service packets to the Court, or
3 acquire a waiver of service from Defendant or to complete
4 service of process on Defendant.

5 On November 4, 2009, the Court allowed Plaintiff until
6 November 20, 2009, to show cause why this case should not be
7 dismissed for Plaintiff's failure to comply with the Court's
8 order of August 11, 2009, and Plaintiff's failure to effect
9 service of process on Defendant as required by the Court's order
10 and Rule 4, Federal Rules of Civil Procedure. Plaintiff has
11 failed to show cause for his failure to abide by the Court's
12 orders and to effect service of process on Defendant. There is
13 no indication in the civil docket in this matter that Plaintiff
14 did not receive the Order to Show Cause.

15 **THEREFORE, IT IS RECOMMENDED that** this case be
16 dismissed for Plaintiff's failure to serve the Defendant in this
17 matter and for Plaintiff's failure to comply with the Court's
18 order of August 11, 2009.

19 DATED this 23rd day of November, 2009.

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Mark E. Aspey
United States Magistrate Judge