

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANDRES SANTANA,)	NO. CV 04-2872 ABC (FMO)
)	
Plaintiff,)	
)	
v.)	ORDER TO SHOW CAUSE
)	
LEE BACA, <u>et al.</u> ,)	
)	
Defendants.)	

On April 30, 2004, plaintiff, proceeding pro se, filed a Civil Rights Complaint (“Complaint”) pursuant to 42 U.S.C. § 1983, which former United States Magistrate Judge Jeffrey W. Johnson dismissed with leave to amend on May 10, 2004. (See Court’s Order of May 10, 2004, at 1 & 5). On June 4, 2004, plaintiff filed a First Amended Complaint (“FAC”) against defendants Lee Baca (“Baca”), Detective Michael E. Scott (“Scott”), Sergeant Louis (“Louis”), Sergeant Cross (“Cross”), Sergeant Carter (“Carter”), Sergeant Campbell (“Campbell”), Deputy Barrera (“Barrera”), Deputy Rose (“Rose”), Deputy Bender (“Bender”), Deputy Moreno (“Moreno”), Deputy Lawler I (“Lawler I”), Deputy Lawler II (“Lawler II”), Deputy Toon (“Toon”), Deputy Felix (“Felix”), Deputy Hernandez (“Hernandez”), and various Doe defendants.

On June 17, 2004, Magistrate Judge Johnson ordered the United States Marshal to serve defendants Baca, Scott, Louis, Rose and Cross, and on August 17, 2006, Magistrate Judge Johnson ordered the United States Marshal to serve defendants Carter, Campbell, Barrera,

1 Bender, Moreno, Lawler I, Lawler II, Toon, Felix and Hernandez. (Court's Order of June 14, 2004,
2 at 1; Court's Order of August 17, 2006, at 1).

3 Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, that "[i]f a
4 defendant is not served within 120 days after the complaint is filed, the court – on motion or on its
5 own after notice to the plaintiff – must dismiss the action without prejudice against that defendant
6 or order that service be made within a specified time." Fed. R. Civ. P. 4(m). It appears from the
7 record that plaintiff has failed to complete service on defendants Scott, Campbell, Rose, Barrera,
8 Bender, Moreno, Toon and Hernandez, none of whom have appeared in this action.

9 Accordingly, IT IS HEREBY ORDERED THAT plaintiff, no later than **April 29, 2011**, shall
10 show cause in writing why this action should not be dismissed without prejudice against
11 defendants Scott, Campbell, Rose, Barrera, Bender, Moreno, Toon and Hernandez for failure to
12 effect service of process within the time specified in Rule 4(m) of the Federal Rules of Civil
13 Procedure. Failure to file timely a written response to this Order may result in dismissal of this
14 action against defendants Scott, Campbell, Rose, Barrera, Bender, Moreno, Toon and Hernandez
15 for failure to effect service of process within the time specified by Rule 4(m) of the Federal Rules
16 of Civil Procedure and for failure to prosecute.

17 Dated the 13th day of April, 2011.

18
19 /s/

20 Fernando M. Olguin
21 United States Magistrate Judge

22
23
24
25
26
27
28