

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

CIVIL MINUTES--GENERAL

Case No. **CV 11-10477-PSG (JPR)**

Date: **May 2, 2012**

Title: **Michelle Ghenniva Davis v. Michael J. Astrue, Commissioner**

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**DOCKET ENTRY: Order to Show Cause Why Action Should Not be Dismissed
for Failure to Prosecute**

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PRESENT:

HON. JEAN P. ROSENBLUTH, MAGISTRATE JUDGE

Joe Roper
Deputy Clerk

n/a
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None present

ATTORNEYS PRESENT FOR DEFENDANTS:

None present

PROCEEDINGS: (IN CHAMBERS)

On December 30, 2011, Plaintiff, proceeding pro se, filed the Complaint in this Social Security action. On January 5, 2012, the Court issued a Case Management Order. In it the Court ordered Plaintiff to properly serve the summons and Complaint on the Commissioner and file proof of service with the Court within 120 days of the filing of the Complaint. The Court specifically warned Plaintiff that her failure to file proof of service could “result in the dismissal of this case. See Fed. R. Civ. P. 4(m).”

Some 123 days have now passed and Plaintiff has not filed proof of service with the Court. “If a defendant is not served within 120 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.” Fed. R. Civ. P. 4(m); see Boudette v. Barnette, 923 F.2d 754, 757 (9th Cir. 1991) (affirming dismissal of complaint for failure to timely serve summons and complaint).

Accordingly, Plaintiff is ordered to either (1) file with the Court no later than May 16, 2012, proof of proper service on the Commissioner or (2) show cause in writing by that date why this action should not be dismissed for failure to prosecute.