

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-87-AB (SP)	Date	May 5, 2017
Title	JAPHETH MATUTE v. NANCY A. BERRYHILL, Acting Commissioner of Social Security Administration		

Present: The Honorable	Sheri Pym, United States Magistrate Judge
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Kimberly Carter Deputy Clerk	n/a Court Reporter / Recorder	n/a Tape No.
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Attorneys Present for Plaintiff: n/a	Attorneys Present for Defendant: n/a
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Proceedings: (In Chambers) Order to Show Cause Why Case Should Not Be Dismissed for Failure to Effect Service and Prosecute

On January 5, 2017, plaintiff filed a Complaint for Review of Final Decision of the Commissioner of Social Security pursuant to 42 U.S.C. § 405(g). On January 13, 2017, the court issued its Case Management Order in this matter. The Case Management Order advised plaintiff that the summons and complaint must be served on defendant in accordance with Federal Rule of Civil Procedure 4(i) within 90 days after the filing of the complaint under Rule 4(m), that is by April 5, 2017, and specifically ordered that a proof of such service must be filed with the court on or before April 12, 2017. The court warned plaintiff that failure to comply with this requirement may result in the dismissal of this case.

To date, the court has not received a proof of service. Nor has plaintiff requested or obtained an order from the court granting an extension of time to do so. It therefore appears that plaintiff has violated the court's order and is not properly prosecuting this action.

Accordingly, plaintiff is ORDERED to show cause in writing by **May 22, 2017** why this case should not be dismissed without prejudice for plaintiff's failure to prosecute and serve defendant within the required time period, as directed in the Case Management Order. Plaintiff may discharge this Order to Show Cause by filing, not later than May 22, 2017, proof of service of the summons and complaint.

The court warns plaintiff that failure to respond to the Order to Show Cause by May 22, 2017, or further failure to prosecute this action in accordance with the

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Case Management Order and other court orders, may result in dismissal of this action for failure to prosecute.