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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

DAVID ALLEN PROVOST,

Plaintiff,

v.

MICHAEL ASTRUE, Commissioner,
Social Security Administration,

Defendant.

) ED CV 12-01447 GAF (SH)
) ORDER TO SHOW CAUSE
) RE: DISMISSAL FOR FAILURE
) TO PROSECUTE

By Order filed September 13, 2012, plaintiff was ordered to promptly to serve Summons and Complaint in the manner designated and to "file a proof of service within thirty (30) days of the date of this Order." As of the date of this Order, no such proof of service has been filed.

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1 **Plaintiff's counsel shall appear before Magistrate Judge Stephen J.**
2 **Hillman at 10:00 a.m. on November 26, 2012, in Courtroom "550", on the**
3 **fifth floor, 255 East Temple Street, Los Angeles, California,** to show cause
4 why this action should not be dismissed for violation of this Court's previous Order
5 and for plaintiff's failure diligently to prosecute. See Rule 41(b), Fed.R.Civ.P. and
6 Link v. Wabash Railroad Co., 370 U.S. 626, 629-30 (1962), reh'g denied, 371 U.S.
7 873 (1962).

8 **If plaintiff objects to such dismissal, plaintiff shall:**

9 **1. File and serve written objections to the dismissal with Points and**
10 **Authorities no later than ten (10) days prior to the hearing date. Failure to file**
11 **the said objections within the time specified will be deemed consent to the**
12 **dismissal of this action as proposed herein; and**

13 **2. Appear in person on the hearing date above specified.**

14 **If there are no objections to the proposed dismissal, plaintiff shall so**
15 **inform the Clerk in writing and plaintiff's appearance at the hearing will be**
16 **excused.**

17 If service is completed prior to the hearing date, the Clerk shall be so advised
18 in writing and proof of service filed.

19 **If proof of service of the Summons and Complaint is filed before the**
20 **hearing date, the Order to Show Cause re Dismissal will be taken off calendar**
21 **and plaintiff need not appear.**

22 Please note that full compliance with Fed.R.Civ.P. 4(d)(4) and (5), including
23 personal service on the United States Attorney's designee, is required in order to
24 effect valid service upon the United States or any officer or agency thereof, if named
25 as a defendant in this action.

1 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of
2 this Order by United States mail on any attorneys for all parties appearing in this
3 action.

4 DATED: October 31, 2008



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7 STEPHEN J. HILLMAN
8 UNITED STATES MAGISTRATE JUDGE
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