

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	EDCV 13-01026-MMM-MAN	Date	August 29, 2013
Title	<i>Nadia B. Smalley v. Carolyn W. Colvin</i>		

Present: The Honorable	MARGARET A. NAGLE, UNITED STATES MAGISTRATE JUDGE		
Earlene Carson	N/A		
Deputy Clerk	Court Reporter / Recorder		
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
N/A	N/A		

Proceedings: (In Chambers) Order To Show Cause

Pursuant to this Court's June 24, 2013 Case Management Order ("Order"), plaintiff was ordered to promptly serve the Summons, the Complaint, and a copy of th[e] Order on the Commissioner in the manner required by Rule 4(i) of the Federal Rules of Civil Procedure. The Court explained that, in order to properly effectuate service, plaintiff would need to send a copy of the above noted documents by registered or certified mail to each of the following: (a) the United States Attorney for the Central District of California, or his or her authorized agent, addressed to the Civil Process Clerk at the Office of the United States Attorney, Civil Division, Room 716, Federal Building, 300 North Los Angeles Street, Los Angeles, California, 90012; (b) Regional IX Chief Counsel, Office of the General Counsel, Social Security Administration, 160 Spear Street, Suite 800, San Francisco, CA 94105-1545; and (c) the Attorney General of the United States, United States Department of Justice, 950 Pennsylvania Ave. NW, Washington, D.C., 20530-0001. The Court further required plaintiff to file a proof of service showing compliance with the Order within 28 days after receipt of the Order. Plaintiff was specifically cautioned that "[f]ailure to comply with this paragraph may result in dismissal of this case." (Order at 3; emphasis added.)

More than two months from the filing of the Order now have elapsed, and plaintiff still has not filed a proof of service showing compliance with the Order. In addition, because plaintiff has not filed a change of address, there is no reason to believe that plaintiff did not receive the Court's Order.

Accordingly, on or before September 20, 2013, plaintiff is ORDERED to either: (a) show good cause, in writing, if any exists, why the Court should not recommend that this case be dismissed for lack of diligent prosecution and failure to comply with the Court's Order; or (b) effectuate proper service on defendant in accordance with Rule 4(i) of the Federal Rules of Civil Procedure and file a proof of service reflecting such service.

Plaintiff is explicitly cautioned that, if she fails to comply with this order, the Court will: deem such failure to be both a further violation of a Court order and further evidence of a lack of prosecution on plaintiff's part; and recommend that this action be dismissed pursuant to FED. R. Civ. P. 41(b) and Local Rule 41-1.

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The Clerk is directed to serve a copy of this order on plaintiff directly by mail, as well as electronically on counsel for defendant.

IT IS SO ORDERED.

cc: All Parties of Record

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Initials of Preparer :
efc