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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KIMBERLY DAWN EVANS,
Plaintiff,
v.
CAROLYN W. COLVIN,
Acting Commissioner of Social Security
Defendants.

CASE NO. EDCV 14-01058-DOC
(JEM)

**AMENDED ORDER TO SHOW
CAUSE WHY CASE SHOULD NOT
BE DISMISSED**

On May 27, 2014, Plaintiff Kimberly Dawn Evans filed a Complaint seeking review of the decision by Defendant Carolyn W. Colvin, Commissioner of Social Security, denying Plaintiff's application for Social Security benefits. Plaintiff's Request for Leave to Proceed In Forma Pauperis was granted on June 4, 2014.

This Court's Case Management Order, filed June 6, 2014, imposed on Plaintiff the duty to serve the Complaint on Defendant and file a proof of service within 28 days of the filing of the Complaint. On August 25, 2014, this Court issued an Order noting that Plaintiff has not filed a proof of service and requiring Plaintiff to show cause on or before September 2, 2014 why Plaintiff has not filed a proof of service. The Order also admonished Plaintiff that failure to file a proof of service or other response may result in dismissal of the case for failure to prosecute pursuant to Fed. R. Civ. P. Rule 4(m).

1 Rule 4(m) requires service of the Complaint within 120 days of its filing. The
2 Court on its own motion or after notice to the Plaintiff must dismiss an action without
3 prejudice unless the Plaintiff shows good cause for the failure to serve the Complaint
4 on Defendant and file a proof of service with the Court.

5 Here, Plaintiff has not filed a proof of service of the Complaint and presumably
6 not served it on Defendant. Plaintiff filed no response to this Court's August 25, 2014
7 Order to Show Cause. The 120 day deadline for service of the Complaint has expired.

8 The Court could recommend to the District Court that the Complaint be
9 dismissed without prejudice. Because Plaintiff is not represented by counsel, the Court
10 will provide Plaintiff with one more opportunity to comply with this Court's Case
11 Management Order and Rule 4(m).

12 The Court ORDERS Plaintiff to show cause in writing by Monday, November
13 18, 2014, why this action should not be dismissed for lack of prosecution. Plaintiff is
14 advised that failure to file a proof of service or other response to this Order to Show
15 Cause will result in the Court recommending the case be dismissed for failure to
16 prosecute pursuant to Rule 4(m).

17 The Clerk of this Court is directed to email this Order to Plaintiff's email
18 address listed in her Complaint as kimberleyes@gmail.com.

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20 **IT IS SO ORDERED.**

21 DATED: November 4, 2014

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24 JOHN E. MCDERMOTT
25 UNITED STATES MAGISTRATE JUDGE
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