

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. SA CV 13-353-GHK (SP) Date July 17, 2013

Title BRYAN E. KAYE v. JOHN HOLLENBECK, et al.

Present: The Honorable Sheri Pym, United States Magistrate Judge

Kimberly Carter n/a n/a

Deputy Clerk Court Reporter / Recorder Tape No.

Attorneys Present for Plaintiff: Attorneys Present for Defendant:

n/a n/a

**Proceedings: (In Chambers) Order to Show Cause Why Case Should Not Be Dismissed for Failure to Effect Service**

On February 28, 2013, plaintiff filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against defendants John Hollenbeck, Martin Covalt, Diane Hollenbeck, Sandra Hutchens, and Does. On March 1, 2013, the court issued its Initial Civil Rights Order and Notice of Time Limit for Serving Complaint in this matter. The Order advised plaintiff that the summons and complaint must be served on defendants in accordance with Federal Rule of Civil Procedure 4(m) by June 28, 2013, and specifically ordered that a proof of such service must be filed with the court not later than July 5, 2013. 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 appears now 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 **August 2, 2013** why this case should not be dismissed without prejudice for plaintiff's failure to prosecute and serve defendants within the required time period, as directed in the Initial Civil Right Order. Plaintiff may discharge this Order to Show Cause by filing, not later than August 2, 2013, proof of service of the summons and complaint.

**The court warns plaintiff that failure to respond to the Order to Show Cause by August 2, 2013, or further failure to prosecute this action in accordance with the Initial Civil Rights Order and other court orders, may result in dismissal of this action for failure to prosecute.**