

1 On September 21, 2009, the United States Marshal filed returns of service unexecuted as
2 to Defendants Mata and Moeryk, with a notation that service was mailed to Defendants on
3 August 12, 2009, and on September 15, 2009, the CDC Locator responded that Defendants'
4 names were not found on their list. (Doc. 44.) Therefore, plaintiff shall be ordered to show
5 cause why this action should not be dismissed.. Within thirty days, plaintiff shall file a written
6 response with the court explaining why this action should not be dismissed for failure to
7 successfully complete service of process on Defendants. In the alternative, plaintiff may file a
8 non-opposition to the dismissal of this action.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Within thirty days from the date of service of this order, plaintiff shall file a
11 written response showing cause why this action should not be dismissed for
12 failure to successfully complete service of process on Defendants;
- 13 2. In the alternative, plaintiff may file a written non-opposition to the dismissal of
14 this action; and
- 15 3. Plaintiff's failure to comply with this order shall result in the dismissal of this
16 action for failure to complete service of process and for plaintiff's failure to
17 comply with the court's order.

18
19 IT IS SO ORDERED.

20 Dated: February 18, 2010

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE