

1 On March 14, 2012, the Court issued an order directing the United States Marshal to serve
2 process in this action upon Defendants Guerrero and Garcia. (Doc. 89.) On November 13, 2012,
3 the Court received two USM-285 forms from the Marshal indicating that personal service was
4 effected upon Defendants Guerrero and Garcia on October 12, 2012 and October 10, 2012,
5 respectively, which gave the Defendants twenty-one days in which to file an answer or motion under
6 Rule 12 in response to Plaintiff's complaint. Fed. R. Civ. P. 12(a)(1)(A)(i). (Doc. 94.) More than
7 sixty days have passed, and Defendants Guerrero and Garcia have not filed an answer, a motion
8 under Rule 12, or any other response to Plaintiff's complaint. (See Court Docket.) Plaintiff has not
9 filed a motion under Rule 55. Id.

10 **II. ORDER TO SHOW CAUSE**

11 Within thirty days from the date of service of this order, Plaintiff shall show cause why
12 Defendants Guerrero and Garcia should not be dismissed from this action for Plaintiff's failure to
13 prosecute against them.

14 In accordance with the above, IT IS HEREBY ORDERED that:

- 15 1. Within thirty days from the date of service of this order, Plaintiff shall file a written
16 response to the Court, showing cause why Defendants Guerrero and Garcia should
17 not be dismissed from this action for Plaintiff's failure to prosecute against them; and
- 18 2. Plaintiff's failure to comply with this order shall result a recommendation that this
19 action be dismissed.

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21 IT IS SO ORDERED.

22 **Dated: December 13, 2012**

23 /s/ Gary S. Austin
24 UNITED STATES MAGISTRATE JUDGE
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