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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

WILLIAM INSCOE,	CASE NO. 1:08-CV-01588-DLB PC
Plaintiff,	ORDER TO SHOW CAUSE WHY
v.	DEFENDANTS SHOULD NOT BE
JAMES A. YATES, et al.,	DISMISSED FOR FAILURE TO SERVE
Defendants.	PROCESS
	(ECF NO. 26)
_____ /	RESPONSE DUE WITHIN 30 DAYS

Plaintiff William Inscoe (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Plaintiff is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On October 28, 2009, the Court found service of the first amended complaint appropriate for Defendants Langley, Reagan, Martinez, and Holt, and ordered Plaintiff to serve Defendants within 120 days. (ECF No. 26.) More than one-hundred and twenty days have passed, and Plaintiff has submitted no proof of service on, or waiver of service by, any Defendants. Fed. R. Civ. P. 4(d), (l).

Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part:  
If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

1           Accordingly, the Court HEREBY ORDERS Plaintiff to show cause why Defendants  
2 should not be dismissed for failure to effect service of process. Failure to show cause or  
3 otherwise respond to this order will result in dismissal of this action for failure to obey a court  
4 order.

5           IT IS SO ORDERED.

6           Dated: July 1, 2010

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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