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6	UNITED STATES DISTRICT COURT
7	EASTERN DISTRICT OF CALIFORNIA
8	JOSHUA J. CANTU, CASE NO. 1:09-cv-00177-GBC (PC)
9	
10	V. ORDER TO SHOW CAUSE WHY CASE
11	SHOULD NOT BE DISMISSED CORRECTIONAL OFFICER M. GARCIA,
12	et al., RESPONSE DUE JULY 11, 2011 Defendants.
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14	Plaintiff Joshua J. Cantu ("Plaintiff") is a state prisoner proceeding pro se in this civil
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16	rights action pursuant to 42 U.S.C. § 1983. On November 29, 2010, the Court issued an
17	Order requiring that Plaintiff serve his First Amended Complaint on Defendant M. Garcia.
	(ECF No. 14.) Plaintiff was ordered to serve the complaint within 120 days pursuant to

rights action pursuant to 42 U.S.C. § 1983. On November 29, 2010, the Court issued an Order requiring that Plaintiff serve his First Amended Complaint on Defendant M. Garcia. (ECF No. 14.) Plaintiff was ordered to serve the complaint within 120 days pursuant to Federal Rule of Civil Procedure 4(m). (Id.) Plaintiff was warned that failure to complete service of process on Defendant would result in the dismissal of this action. (Id. at p. 3.) Plaintiff was also given a copy of Federal Rule of Civil Procedure 4 as an attachment to the Order. (ECF No. 14-3.) Plaintiff moved for and was granted one 60-day extension of time to complete service. (ECF Nos. 18 & 19.)

As Plaintiff is not proceeding in forma pauperis in this action, he may not rely on the United States Marshal or the officers of the Court for service. Cf. 28 U.S.C. § 1915(d); Fed.R.Civ.P. 4(c)(2). Plaintiff is responsible for service on Defendant. Thus far, Defendant Garcia has not made an appearance in this action and there is no indication in any of the papers filed with the Court that Defendant Garcia has been served with the summons or

1 complaint in accordance with the Federal Rules of Civil Procedure.

At stated above, Plaintiff shall bear in mind that Rule 4(m) of the Federal Rules of
Civil Procedure requires service of the summons and complaint upon Defendant within 120
days after the filing of the Complaint. Fed.R.Civ.P. 4(m). Failure to do so may result in
dismissal of the action without prejudice as to that Defendant.

Accordingly, by **July 11, 2011**, Plaintiff is ORDERED to show cause why his case should not be dismissed without prejudice. Failure to comply by July 11, 2011 will result in the dismissal of this action.

IT IS SO ORDERED.

Dated: June 6, 2011

UNITED STATES MAGISTRATE JUDGE