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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GREGORIO FUNTANILLA, JR.,
Plaintiff,
v.
ROMAN W. WILLIAMS, et al.,
Defendants.

Case No. 1:10-cv-01624-LJO-DLB PC
ORDER TO SHOW CAUSE
ECF Nos. 24, 39
RESPONSE DUE WITHIN TWENTY-ONE
DAYS

Plaintiff Gregorio Funtanilla, Jr. (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s first amended complaint against Defendants Roman W. Williams, Jesuit S. Manson, K. Turner, D. Ibarra, O. A. Ybarra, M.A. Baires, J. Lias, R. Gomez, Nola Grannis, Angela Romanello, Kelly Santoro, Derral G. Adams, and Ken Clark for violation of the Free Exercise Clause of the First Amendment and the Religious Land Use and Institutionalized Persons Act of 2000. On March 22, 2012, Plaintiff was instructed with service of process and directed to effect service on these thirteen Defendants within 120 days. ECF No. 24.

On April 26, 2012, a summons was returned executed on Defendant Roman Williams. ECF No. 39. As of the date of this order, no indication of service has been submitted as to the other twelve Defendants. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, defendants must be served within 120 days. Additionally, Defendant Williams, despite being allegedly served with

1 process personally on April 12, 2012, did not file a responsive pleading as required by Rule 12(a)(1)
2 of the Federal Rules of Civil Procedure. Plaintiff however has not further prosecuted this action.
3 Failure to prosecute may result in dismissal of Plaintiff's claims against Defendant Williams. Fed.
4 R. Civ. P. 41(b).

5 Accordingly, it is HEREBY ORDERED that Plaintiff is to show cause within twenty-one
6 (21) days why this action should not be dismissed for failure to prosecute as to Defendant Williams
7 and for failure to effect service of process as to the other twelve Defendants. Failure to timely
8 respond or otherwise show cause will result in dismissal of this action for failure to obey a court
9 order.

10 IT IS SO ORDERED.
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12 Dated: September 13, 2012

/s/ Dennis L. Beck
13 UNITED STATES MAGISTRATE JUDGE
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