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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 GREGORIO FUNTANILLA, JR.,

11 Plaintiff,

12 v.

13 ROMAN W. WILLIAMS, et al.,

14 Defendants.
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Case No. 1:10-cv-01624-LJO-DLB PC

**ORDER TO SHOW CAUSE REGARDING
FAILURE TO PROSECUTE**

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

25 On April 26, 2012, a summons was returned executed on Defendant Roman Williams. ECF
26 No. 39. Defendant Williams, despite being allegedly served with process personally on April 12,
27 2012, did not file a responsive pleading as required by Rule 12(a)(1) of the Federal Rules of Civil
28 Procedure. Plaintiff however has not further prosecuted this action. Failure to prosecute may result

1 in dismissal of Plaintiff's claims against Defendant Williams. Fed. R. Civ. P. 41(b).

2 Accordingly, it is HEREBY ORDERED that Plaintiff is to show cause within **twenty-one**
3 **(21) days** why this action should not be dismissed for failure to prosecute as to Defendant Williams
4 Failure to timely respond or otherwise show cause will result in dismissal of this action against
5 Defendant Williams for failure to prosecute.

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7 IT IS SO ORDERED.

8 Dated: February 11, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE