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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
SERVICE OF PROCESS**

ECF No. 42

**RESPONSE DUE WITHIN TWENTY-ONE
DAYS**

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. As of the date of this order, no indication of service has been submitted as to the other
27 twelve Defendants. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, defendants must
28 be served within 120 days. On September 14, 2012, the Court issued an order to show cause why

1 this action should not be dismissed against the twelve unserved Defendants for failure to effect
2 service of process. On October 9, 2012, Plaintiff filed his response. On November 13, 2012, the
3 Court ordered Plaintiff to re-attempt service of process. Plaintiff was granted an additional sixty
4 (60) days. As of the date of this order, Plaintiff has not submitted any documents demonstrating that
5 he has served process.

6 Accordingly, it is HEREBY ORDERED that Plaintiff is to show cause within **twenty-one**
7 **(21) days** why this action should not be dismissed against the twelve unserved Defendants for failure
8 to effect service of process. Failure to timely respond or otherwise show cause will result in
9 dismissal of this action.

10 IT IS SO ORDERED.
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12 Dated: February 11, 2013

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