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

KAJAUNA KENYATTA IRVIN,)	Case No.: 1:10-cv-01940-AWI-SAB (PC)
)	
Plaintiff,)	
)	ORDER TO SHOW CAUSE WHY DEFENDANT
v.)	GUTHERY SHOULD NOT BE DISMISSED
)	PURSUANT TO FEDERAL RULE OF CIVIL
JAMES A YATES, et al.,)	PROCEDURE 4(M)
)	
Defendants.)	[ECF Nos. 103, 104]
)	

Plaintiff Kajauna Kenyatta Irvin is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act (“RLUIPA”).

On July 22, 2015, the USM-285 form was returned unexecuted as to Defendant Ernest Guthery. (ECF No. 103.) It is noted that on February 6, 2015, the USM-285 form was sent to a California Department of Corrections and Rehabilitation (CDCR) special investigator. On February 9, 2015, it was noted that the CDCR was unable to identify this Defendant. (ECF No. 103.)

On July 23, 2015, Plaintiff was granted thirty days to attempt service of process on Defendant Guthery. (ECF No. 104.) More than thirty days have passed and there is no indication that Defendant Guthery has been served.

Accordingly, within thirty (30) days from the date of service of this order, Plaintiff shall show cause why Defendant Guthery should not be dismissed from the action pursuant Rule 4(m) of the Federal Rules of Civil Procedure. The failure to respond to this order and/or failure show cause why

1 Defendant Guthery should not be dismissed pursuant Rule 4(m) will result in dismissal of Defendant
2 Guthery.

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IT IS SO ORDERED.

Dated: September 15, 2015


UNITED STATES MAGISTRATE JUDGE