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

TIMOTHY K. LECOMPTE,  
  
                    Plaintiff,  
  
          v.  
  
DHAH, et al.,  
  
                    Defendants.

1:11cv02105 DLB PC

**ORDER TO SHOW CAUSE WHY  
DEFENDANTS’ MOTION TO DISMISS  
SHOULD NOT BE DENIED WITHOUT  
PREJUDICE FOR FAILURE TO SERVE**

**FIFTEEN-DAY DEADLINE**

Plaintiff Timothy K. LeCompte (“Plaintiff”) is proceeding pro se and in forma pauperis in this civil rights action filed on December 21, 2011.

On April 29, 2013, Defendants filed a Motion to Dismiss. According to the proof of service, the Motion to Dismiss was served on Plaintiff at Corcoran State Prison.<sup>1</sup>

On May 1, 2013, Plaintiff filed a Notice of Change of Address. The notice, signed on April 25, 2013, indicates that he is now housed at Kern Valley State Prison.

To date, Plaintiff has not filed an opposition. There is no evidence on the docket, however, that Plaintiff has been served with the motion at his current address.

Accordingly, Defendants are ORDERED TO SHOW CAUSE, if any they have, why the Motion to Dismiss should not be denied without prejudice for failure to serve. Defendants are ORDERED to file a response to this order to show cause within fifteen (15) days. Defendants may comply with this order by filing a proof of service showing proper service.

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<sup>1</sup> Defendants have not indicated whether they consent to the jurisdiction of the United States Magistrate Judge. Plaintiff consented to Magistrate Judge jurisdiction on January 3, 2012.

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Failure to comply with this order will result in the denial of the pending Motion to Dismiss,  
without prejudice.

IT IS SO ORDERED.

Dated: June 10, 2013

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE