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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BRYAN E. RANSOM,)	1:12cv01343 AWI DLB PC
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY
)	DEFENDANTS SHOULD NOT BE
vs.)	DISMISSED
)	
RODOLFO AGUIRRE, et al.,)	THIRTY DAY DEADLINE
)	
Defendants.)	

Plaintiff Bryan E. Ransom (“Plaintiff”) is a prisoner proceeding pro se in this civil rights action. Plaintiff originally filed his action in the Kings County Superior Court on June 26, 2012. Defendants paid the filing fee and removed the action on August 16, 2012.¹ On April 3, 2013, the Court ordered Plaintiff, who is not proceeding in forma pauperis, to serve Defendants Martines, Watkins, Hieng, Lovelady, Hubbard, Hugh, Weaver, Macias, Lopez and Gibson pursuant to Rule 4 of the Federal Rules of Civil Procedure.² Plaintiff was ordered to complete service with **one-hundred twenty (120) days** from the date of service of this order.

¹ Pursuant to Court order dated June 9, 2010, Plaintiff was deemed to be a prisoner with three strikes or more and therefore unable to proceed in forma pauperis. 28 U.S.C. § 1915(g). However, Defendants paid the filing fee upon removal and Plaintiff’s status is not relevant to this action.

² Defendants Vogel, Perez, Marsical, Cortez, Vellejo, Singh, Aguirre, Wooden, Alanis, Messick, Ulit, Moon, Kernan, Clark and Wang have already been served. They filed a Motion to Dismiss on June 17, 2013. The motion is pending before the Court.

1 Over one-hundred and twenty days have passed and there is no evidence in the record
2 demonstrating that Plaintiff effected service on these Defendants.

3 Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part:
4 If a defendant is not served within 120 days after the complaint is filed, the court -
5 on motion or on its own after notice to the plaintiff - must dismiss the action
6 without prejudice against that defendant or order that service be made within a
7 specified time. But if the plaintiff shows good cause for the failure, the court
8 must extend the time for service for an appropriate period.

9 Pursuant to Rule 4(m), the Court directed Plaintiff to effect service within a specified
10 time. There is no indication in the record that Plaintiff has done so. Therefore, pursuant to Rule
11 4(m), Plaintiff must show cause why Defendants Martines, Watkins, Hieng, Lovelady, Hubbard,
12 Hugh, Weaver, Macias, Lopez and Gibson should not be dismissed from this action for failure to
13 effect service of process.

14 Accordingly, it is HEREBY ORDERED that:

- 15 1. Pursuant to Rule 4(m), Plaintiff shall show cause within **thirty (30) days** from the
16 date of service of this order why Defendants Martines, Watkins, Hieng,
17 Lovelady, Hubbard, Hugh, Weaver, Macias, Lopez and Gibson should not be
18 dismissed from this action for failure to effect service of process; and
- 19 2. The failure to respond to this order, or the failure to show good cause, will result
20 in the dismissal of Defendants Martines, Watkins, Hieng, Lovelady, Hubbard,
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Hugh, Weaver, Macias, Lopez and Gibson, without prejudice, for failure to effect service.

IT IS SO ORDERED.

Dated: August 26, 2013

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE