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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEO CIENFUEGOS,
Plaintiff,
v.
GIPSON, et al.,
Defendants.

Case No. 1:14-cv-00215 AWI DLB PC
**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE DISMISSED
FOR FAILURE TO SERVE**

Plaintiff Leo Cienfuegos (“Plaintiff”) is a California state prisoner proceeding pro se in this action pursuant to 42 U.S.C. § 1983.¹ Plaintiff filed his complaint on February 18, 2014. Pursuant to Court order, he filed a First Amended Complaint on August 21, 2014.

On February 9, 2015, the Court ordered Plaintiff to serve his First Amended Complaint within one-hundred twenty (120) days.

On May 1, 2015, Plaintiff filed a request for a thirty (30) day extension of time. However, the request was not signed and it was therefore stricken on May 4, 2015. Plaintiff has not requested additional time or otherwise contacted the Court. Accordingly, more than one-hundred twenty (120) days have passed, and there is no evidence in the record demonstrating that Plaintiff effected service on Defendants.

¹ Plaintiff paid the filing fee and is not proceeding in forma pauperis.

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Rule 4(m) of the Federal Rules of Civil Procedure provides, in relevant part:

If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Pursuant to Rule 4(m), the Court directed Plaintiff to effect service within a specified time.

There is no indication in the record that Plaintiff has done so. Therefore, pursuant to Rule 4(m), Plaintiff must show cause why this action should not be dismissed for failure to effect service of process on Defendants.

Accordingly, it is HEREBY ORDERED that:

1. Pursuant to Rule 4(m), Plaintiff shall show cause within **twenty-one (21) days** from the date of service of this order why this action should not be dismissed for failure to effect service of process on Defendants; and

2. The failure to respond to this order, or the failure to show good cause, will result in the dismissal of this action, without prejudice, for failure to effect service on Defendants.

IT IS SO ORDERED.

Dated: June 30, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE