1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 14-cv-1604 --- GSA DIRK VERMEULEN, 12 Plaintiff. 13 v. ORDER TO SHOW CAUSE RE. FAILURE TO TIMELY SERVE THE COMPLAINT 14 LESTER JENKINS, et al., 15 Defendants. 16 17 18 On October 15, 2014, Plaintiff Dirk Vermeulen ("Plaintiff") filed a complaint pursuant to 19 42 U.S.C. §§ 1983 and 1988 against Police Chief Lester. To date, Plaintiff has not filed proof of 20 service of the summons and complaint on the defendants as required by Federal Rules of Civil 21 Procedure 4(1) and (m). Furthermore, no defendant has appeared in this action. 22 23 Federal Rule of Civil Procedure 4(m) provides in part: 24 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 25 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 26 court must extend the time for service for an appropriate period. 27 Plaintiff is hereby ORDERED to show cause in writing, no later than April 1, 2015, why he has 28 1

1	failed to timely serve the summons and complaint pursuant to Rule 4(m), or, alternatively, in the
2	event that he did timely serve the summons and complaint, why he has failed to file proof of
3	service of the summons and complaint as required by Rule 4(1).
4	Plaintiff is hereby advised that this Court will recommend dismissal of this action if he
5	fails to comply with this order within the time specified and to show good cause for his failure to
6	comply with the Federal Rules of Civil Procedure.
7	comply with the redefal Rules of Civil Procedure.
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10	IT IS SO ORDERED.
11	Dated: March 12, 2015 /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE
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