

1 Court ordered the Clerk of the Court to mail Plaintiff issued summonses and gave Plaintiff ninety
2 (90) days to complete re-service with the newly issued summonses. The Court warned Plaintiff
3 that his failure to timely complete service of process on the Defendants and to file proof of
4 service with the Court would result in dismissal of this action pursuant to Federal Rule of Civil
5 Procedure 4(m). (ECF No. 25.)

6 Rule 4(m) sets out the time limit for service:

7 If a defendant is not served within 90 days after the complaint is filed, the court—
8 on motion or on its own after notice to the plaintiff—must dismiss the action
9 without prejudice against that defendant or order that service be made within a
10 specified time. But if the plaintiff shows good cause for the failure, the court
11 must extend the time for service for an appropriate period.

12 The Court has allowed Plaintiff the ninety (90) days required by Rule 4(m), as well as an
13 additional ninety (90) days, to serve Defendants. As of the date of this order, Plaintiff has not
14 filed with the Court proofs of service or signed waivers of service for any Defendant, and there is
15 no indication that Plaintiff has completed service of process on Defendants Rios, Saragosh, and
16 Estrada.

17 Accordingly, IT IS HEREBY ORDERED as follows:

- 18 1. Within **thirty (30) days** from the date of service of this order, Plaintiff shall show
19 cause in writing why this action should not be dismissed for failure to prosecute,
20 pursuant to Federal Rule of Civil Procedure 4(m);
- 21 2. Plaintiff may comply with this order by filing proofs of service or signed waivers of
22 service demonstrating that he has completed or effectuated service of process on
23 Defendants, and;
- 24 3. **Plaintiff's failure to comply with this order will result in dismissal of this action.**

25 IT IS SO ORDERED.

26 Dated: May 1, 2017

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE