



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. (ECF No. 25.)

3 Plaintiff failed to timely file with the Court proofs of service or signed waivers of service  
4 for any defendant. On May 1, 2017, the Court issued an order to show cause why this action  
5 should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 4(m).  
6 (ECF No. 29.) On May 26, 2017, Plaintiff timely filed a response to the Court's order to show  
7 cause, stating that his process server had delivered service documents to each defendant by mail,  
8 and Defendants had failed to return the Waiver of Service of Summons forms to him. (ECF No.  
9 30.)

10 The Court issued an order discharging the show cause order and directing Plaintiff to  
11 complete service of process on Defendants within sixty (60) days from the date of service of that  
12 order. (ECF No. 31.) The Court warned Plaintiff that his failure to timely complete service of  
13 process on the Defendants and to file proof of service with the Court would result in dismissal of  
14 this action pursuant to Federal Rule of Civil Procedure 4(m). (Id. at 3.) The deadline for service  
15 of process has expired, and Plaintiff has not complied with the Court's order or otherwise  
16 communicated with the Court.

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

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

22 The Court has allowed Plaintiff the ninety (90) days required by Rule 4(m), an additional ninety  
23 (90) days, and a further sixty (60) days to serve Defendants. As of the date of this order, Plaintiff  
24 has not filed with the Court proofs of service or signed waivers of service for any Defendant, and  
25 there is no indication that Plaintiff has completed service of process on Defendants Rios,  
26 Saragosh, or Estrada.

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Accordingly, IT IS HEREBY ORDERED as follows:

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

IT IS SO ORDERED.

Dated: August 22, 2017

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE