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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERICK CISNEROS,
Plaintiff,
v.
R. HERNANDEZ,
Defendant.

Case No. 1:15-cv-01658-LJO-BAM-PC
ORDER DISMISSING THIS ACTION
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 4(m)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis pursuant to 42 U.S.C. § 1983.

This action was initiated by civil complaint filed in Kings County Superior Court on October 14, 2015. Plaintiff, represented by John Kolfschoten of the Law Office of John Kolfschoten, named as Defendants the California Department of Corrections and Rehabilitation (CDCR) and Correctional Officer Ruben Hernandez. On October 30, 2015, Defendant CDCR removed the action to this Court pursuant to 28 U.S.C. § 1441(a). The Notice of Removal indicated that service on Defendant Hernandez had not been effected. Defendant CDCR filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff did not oppose the motion, or file objections to the findings and recommendations that the motion be granted. On February 18, 2016, an order was entered by the District Court, adopting the findings and recommendations, dismissing Defendant CDCR.

1 On February 22, 2016, an order to show cause was entered, directing Plaintiff to show
2 cause why this action should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m)
3 for failure to timely serve the summons and complaint. Plaintiff has not filed a response to the
4 order to show cause, nor has he otherwise been in contact with the Court.

5 Accordingly, IT IS HEREBY ORDERED that this action is dismissed pursuant Federal
6 Rule of Civil Procedure 4(m) for Plaintiff's failure to timely serve the summons and complaint.
7 The Clerk is directed to close this case.

8
9 IT IS SO ORDERED.

10 Dated: May 18, 2016

/s/ Lawrence J. O'Neill
UNITED STATES CHIEF DISTRICT JUDGE