

1 The Court also directed Plaintiff to show cause within twenty-one days why
2 Defendant Singh, and thus the entire action, should not be dismissed based on inability
3 to effectuate service. (Id.) Plaintiff was warned that if he either failed to respond to the
4 Order or responded but failed to show cause, the undersigned would recommend the
5 action be dismissed without prejudice. More than twenty-one days have now passed and
6 Plaintiff has not responded to the Order to show cause, nor provided the Court more
7 information to help USM locate Defendant.

8 “If a defendant is not served within 90 days after the complaint is filed, the court--
9 on motion or on its own after notice to the plaintiff--must dismiss the action without
10 prejudice against that defendant or order that service be made within a specified time.”
11 Fed. R. Civ. P. 4(m). Where a pro se plaintiff fails to provide the Marshal with accurate
12 and sufficient information to effect service of the summons and complaint, the Court’s
13 sua sponte dismissal of the unserved defendants is appropriate. Walker v. Sumner, 14
14 F.3d 1415, 1421-22 (9th Cir. 1994) (overruled on other grounds by Sandin v. Connor,
15 515 U.S. 472 (1995)) (where a pro se plaintiff fails to provide the Marshal with accurate
16 and sufficient information to effect service of the summons and complaint, the Court’s
17 sua sponte dismissal of the unserved defendants is appropriate.)

18 More than 90 days have passed since the complaint was filed and Plaintiff has
19 failed to provide the USM with sufficient information to effect service on Defendant.
20 Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without
21 prejudice.

22 These Findings and Recommendations will be submitted to the United States
23 District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. §
24 636(b)(l). Within **fourteen (14) days** after being served with these Findings and
25 Recommendations, the parties may file written objections with the Court. The document
26 should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.”
27 The parties are advised that failure to file objections within the specified time may result
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1 in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir.
2 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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4 IT IS SO ORDERED.

5 Dated: November 6, 2017

1st Michael J. Seng
6 UNITED STATES MAGISTRATE JUDGE

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