

1 Marshal for service of the summons and complaint and should not be penalized by having his
2 action dismissed for failure to effect service where the U.S. Marshal or the court clerk has failed
3 to perform his duties.” *Walker v. Sumner*, 14 F.3d 1415, 1422 (9th Cir. 1994) (internal quotations
4 and citation omitted), *abrogated on other grounds by Sandin v. Connor*, 515 U.S. 472 (1995).
5 “So long as the prisoner has furnished the information necessary to identify the defendant, the
6 marshal’s failure to effect service is automatically good cause. . . .” *Walker*, 14 F.3d at 1422
7 (internal quotations and citation omitted). However, where a *pro se* plaintiff fails to provide the
8 Marshal with accurate and sufficient information to effect service of the summons and complaint,
9 the Court’s *sua sponte* dismissal of the unserved defendants is appropriate. *Walker*, 14 F.3d at
10 1421-22.

11 At this juncture, the Marshal’s Office has exhausted the available avenues in attempting to
12 locate and serve Defendant Ardon.¹ *Walker*, 14 F.3d at 1421-22. On November 16, 2017,
13 Plaintiff was ordered to provide additional information to assist with effecting service on
14 Defendant Ardon, (Doc. 25); however, no additional information has been provided to date.

15 Plaintiff must show cause why Defendant Ardon should not be dismissed from this action.
16 Fed. R. Civ. P. 4(m). If Plaintiff either fails to respond to this order, or responds but fails to show
17 cause, Defendant Ardon and all claims against her shall be dismissed from this action. This will
18 result in dismissal of the entire action since Ardon is the only remaining defendant.

19 Based on the foregoing, it is HEREBY ORDERED that:

- 20 1. Within **twenty-one (21) days** from the date of service of this order, Plaintiff shall
21 show cause why Defendant Ardon and all claims against her should not be
22 dismissed from this action; and
- 23 2. The failure to respond to this order or the failure to show cause will result in a
24 recommendation that Defendant Ardon and all claims against her be dismissed
25 from this action—which will result in case closure.

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28 ¹ The Marshal’s Office contacted the California Department of Corrections and Rehabilitation and was informed that Defendant Ardon left employment with the CDCR in 2015 and that no forwarding address is available. (Doc. 24.)

IT IS SO ORDERED.

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Dated: January 10, 2018

/s/ Sheila K. Overt
UNITED STATES MAGISTRATE JUDGE