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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10
11 MELVIN DEMONTE HARRISON,

12 Plaintiff,

13 v.

14 HERNANDEZ, *et al.*,

15 Defendants.

Case No. 1:22-cv-01143-BAM (PC)

ORDER DIRECTING PLAINTIFF TO
SUBMIT COMPLETED SERVICE
DOCUMENTS OR SHOW CAUSE WHY
THIS ACTION SHOULD NOT BE
DISMISSED FOR FAILURE TO
PROSECUTE

(ECF No. 10)

TWENTY-ONE (21) DAY DEADLINE

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18 Plaintiff Melvin Demonte Harrison ("Plaintiff") is a former county jail inmate proceeding
19 *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action
20 proceeds against Defendant Hernandez for excessive force and sexual assault in violation of the
21 Due Process Clause of the Fourteenth Amendment. (ECF No. 9.)

22 On October 3, 2022, the Court issued an order authorizing service of Plaintiff's complaint
23 and forwarding service documents to Plaintiff for completion and return within thirty days. (ECF
24 No. 10.) The Court expressly warned Plaintiff that failure to comply with the Court's order
25 would result in dismissal of this action. (*Id.* at 2.)

26 As of the date of this order, Plaintiff has not submitted the USM-285 form, summons, or
27 copies of the complaint. Plaintiff has not complied with the Court's order.

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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 submit completed service documents for Defendant Hernandez, as discussed in the Court's October 3, 2022 order, or shall show cause in writing why this action should not be dismissed for failure to prosecute; and
2. **Plaintiff's failure to comply with this order will result in dismissal of this action for failure to obey court orders and failure to prosecute.**

IT IS SO ORDERED.

Dated: November 16, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE