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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KELLY M. MARSH,

Plaintiff,

No. CIV S-10-0330 LKK DAD PS

vs.

OLIVE GARDEN,

ORDER TO SHOW CAUSE

Defendant.

_____ /

Plaintiff is proceeding pro se and in forma pauperis. By order filed and served April 23, 2010, plaintiff was provided with materials and instructions for service of process on the defendant. Plaintiff was ordered to submit all required materials to the United States Marshal within twenty days after the order was served. Plaintiff was further ordered to file a statement within ten days after submitting the required materials to the Marshal, advising the court of the date upon which she submitted the materials to the Marshal.

Plaintiff's time for submitting the required materials to the Marshal expired on May 16, 2010, twenty days after the court's order was served plus an additional three days because the order was served by mail. See Fed. R. Civ. P. 6(d). At the very latest, plaintiff's time for filing a statement of submission expired on May 26, 2010. See Fed. R. Civ. P. 6(a)(2) & (3). Plaintiff's statement is now a week overdue.

1 IT IS HEREBY ORDERED that plaintiff shall show cause in writing, within
2 **seven (7)** days after this order is served, why this case should not be dismissed for lack of
3 prosecution. If plaintiff wishes to proceed with this action, her timely response to this order must
4 be accompanied by a statement advising the court of the date on which she submitted all required
5 materials to the United States Marshal for service. In the alternative, plaintiff may file a notice of
6 voluntary dismissal of this case without prejudice. Failure to respond to this order in a timely
7 manner will result in a recommendation that this case be dismissed with prejudice for lack of
8 prosecution and failure to comply with court orders. See Local Rule 110.

9 DATED: June 2, 2010.

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12 _____
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

13 DAD:kw
14 Ddad1/orders.pro se/marsh0330.osc