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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DAYA RAM CHANDAR,

12 Plaintiff,

13 v.

14 CAROLYN W. COLVIN, Commissioner
15 of Social Security,

16 Defendant.
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No. 2:13-cv-0811 DAD

ORDER

18 On April 25, 2013, plaintiff, proceeding pro se, commenced this action by filing a
19 complaint and paying the required filing fee. Plaintiff, however, has filed no proof of service of
20 the complaint upon the defendant and the defendant has not appeared in this action. Accordingly,
21 on September 30, 2013, plaintiff was ordered to show cause in writing within fourteen days as to
22 why this case should not be dismissed for lack of prosecution. (Dkt. No. 5.) Plaintiff was
23 cautioned that the failure to file a timely response would result in the dismissal of this action.

24 On October 17, 2013, plaintiff's copy of the court's September 30, 2013 order was
25 returned by the postal service as undeliverable and unable to be forwarded. On December 6,
26 2013, however, plaintiff filed a notice of change of address with the court. (Dkt. No. 6.)
27 Accordingly, on January 24, 2013, the court re-served the order to show cause on plaintiff at the
28 newly provided address of record. (Dkt. No. 7.)

1 The fourteen-day period provided by the order for plaintiff to show cause as to why this
2 action should not be dismissed for failure to prosecute has expired and plaintiff has not responded
3 to the court's order in any way. Moreover, Rule 4(m) of the Federal Rules of Civil Procedure
4 provides that a defendant must be dismissed if service of the summons and complaint is not
5 accomplished on the defendant within 120 days after the complaint was filed. Here, nearly a year
6 has passed since plaintiff filed the complaint in this action and it appears that no defendant has
7 been served.

8 Accordingly, IT IS HEREBY ORDERED that plaintiff's complaint is dismissed without
9 prejudice for failure to prosecute and failure to comply with Rule 4(m).

10 Dated: February 26, 2014

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

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