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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 WILLIAM HOPSON,  
12 Plaintiff,

13 v.

14 LUIS ANGEL RAMIREZ GOMEZ, et al.,  
15 Defendants.  
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No. 2:13-cv-01561-KJM-DAD

ORDER

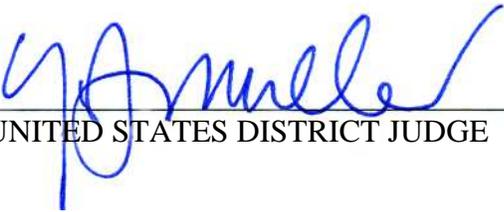
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18 The court has previously issued plaintiff two orders to show cause. ECF Nos. 8,  
19 10. In the first, erroneously stating that defendants had been served on July 31, 2013, the court  
20 ordered plaintiff to explain why the matter should not be dismissed for failure to prosecute.  
21 ECF No. 8. Responding, plaintiff filed a declaration attesting that as of January 29, 2014,  
22 “plaintiff’s process server was still attempting to perfect service.” Malakauskas Decl. ¶ 2, ECF  
23 No. 9. Accordingly, the court discharged the order. ECF No. 10.

24 In discharging the first order, however, the court simultaneously issued a  
25 second, ordering plaintiff to now explain why he had failed to timely effect service as required  
26 under Federal Rule of Civil Procedure 4(m). *Id.* In response, plaintiff filed only a proof of  
27 service showing that one of the two named defendants, Luis Angel Ramirez Gomez, had been  
28 served on August 2, 2013. ECF No. 11.

1                   Accordingly, defendant Frank Kapiniaris is dismissed from the action for  
2 plaintiff's failure to timely effect service. Plaintiff is directed to seek entry of default and move  
3 for default judgment against defendant Luis Angel Ramirez Gomez within thirty days of the  
4 date of this order. Failure to do so will result in dismissal of the action.

5                   IT IS SO ORDERED.

6 Dated: February 24, 2014.

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10                  UNITED STATES DISTRICT JUDGE