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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.
19 8, 10.) In the first, erroneously stating that defendants had been served on July 31, 2013, the
20 court ordered plaintiff to explain why the matter should not be dismissed for failure to
21 prosecute. (ECF No. 8.) Responding, plaintiff filed a declaration attesting that as of January
22 29, 2014, “plaintiff’s process server was still attempting to perfect service.” (Malakauskas
23 Decl. ¶ 2, ECF 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 explain why he had failed to timely effect service as required under
26 Federal Rule of Civil Procedure 4(m). (*Id.*) In response, on February 13, 2014, plaintiff filed
27 only a proof of service showing that one of the two named defendants, Luis Angel Ramirez
28 Gomez, had been served on August 2, 2013. (ECF No. 11.)

1 Accordingly, on February 25, 2014, the court dismissed defendant Frank
2 Kapiniaris from the action for plaintiff's failure to timely effect service. (ECF No. 13.) The
3 court also directed plaintiff to seek an entry of default and move for a default judgment against
4 defendant Luis Angel Ramirez Gomez within thirty days of the date of that order. (*Id.*) The
5 court noted that "failure to do so [would] result in dismissal of the action." (*Id.*)

6 To date, plaintiff has not sought an entry of default and has yet to move for a
7 default judgment against defendant Luis Angel Ramirez Gomez. Because the thirty days
8 within which plaintiff was directed to seek an entry of default elapsed on March 27, 2014, the
9 court dismisses this action and orders the clerk to close the case.

10 IT IS SO ORDERED.

11 Dated: April 29, 2014.

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15 UNITED STATES DISTRICT JUDGE
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