1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 8 9 10 ANTHONY NOCETI, No. 2:14-cv-1177 KJM GGH PS 11 Plaintiff, 12 ORDER TO SHOW CAUSE v. 13 UNITED STATES DEPARTMENT OF AGRICULTURE, et al., 14 Defendants. 15 16 17 This action was referred to the undersigned pursuant to Local Rule 302(c)(21). Pursuant 18 to Federal Rule of Civil Procedure 4(m), the court may dismiss an action where service of 19 summons is not made within 120 days after the filing of the complaint. In the Order Requiring 20 Timely Service and Joint Status Report, filed May 15, 2014, plaintiff was cautioned that this 21 action may be dismissed if service was not timely completed. This action was filed May 14, 2014 22 and plaintiff has not yet served defendant Rain and Hail Insurance Services with summons. 23 Plaintiff's executed summons on defendant United States Department of Agriculture Risk 24 Management Agency, returned on September 26, 2014, is defective and does not constitute proper service. To serve an agency of the United States, a plaintiff must serve a summons and the 25

Plaintiff's executed summons on defendant United States Department of Agriculture Risk Management Agency, returned on September 26, 2014, is defective and does not constitute proper service. To serve an agency of the United States, a plaintiff must serve a summons and the complaint on each of the following: (1) the United States attorney in the district where the action is brought; (2) the Attorney General of the United States at Washington D.C. by registered or certified mail; (3) every nonparty agency of the United States whose order the action challenges;

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and (4) the agency defendant by registered or certified mail. Fed. R. Civ. P. 4(i). The summons returned by plaintiff indicates only that personal service was effectuated on "Sandy Sanchez – Deputy Director" of Risk Management Agency. (ECF No. 4.) Plaintiff has not complied with the service requirements dictated by Rule 4(i). Accordingly, IT IS HEREBY ORDERED that plaintiff shall show cause, in writing, within **fourteen** days from the date of this order, why the court should not recommend that this action be dismissed for plaintiff's failure to comply with Federal Rule of Civil Procedure 4(m). Plaintiff's failure to respond to this order will result in a recommendation that the action be dismissed. Dated: December 5, 2014 /s/ Gregory G. Hollows UNITED STATES MAGISTRATE JUDGE GGH:076/Noceti1177.fsrv.osc