

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

MICHELE J. OTWELL, No. 2:14-cv-2726-CMK PS

Plaintiff,

ORDER

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Plaintiff, who is proceeding *in propria persona*, brings this action for judicial review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g). On April 3, 2015, the court issued plaintiff an order to show cause why this action should not be dismissed for failure to submit service documents to the Untied States Marshal. Plaintiff has filed a response, indicating she never received the order to show cause, and thought she was in compliance with the court's orders and requirements.

As stated in the order to show cause, the court's December 18, 2014, order granting plaintiff's motion for leave to proceed in forma pauperis, required plaintiff to submit to the United States Marshal a completed summons and copies of the complaint. Plaintiff was required to inform the court that said documents have been submitted. As there has been no

1 appearance by the defendant, and plaintiff has not informed the court that the service documents
2 have in fact been submitted to the United State Marshal, the court can only presume plaintiff has
3 not complied with that requirement. Service of process cannot be completed without the
4 necessary documents being submitted to the United States Marshal.

5 In an abundance of caution, the Clerk of the Court will be directed to provide
6 plaintiff another copy of the summons issued on December 19, 2014. In order to prosecute this
7 case, plaintiff must submit the completed summons and copies of the complaint to the United
8 States Marshal, or complete proper service of process on her own. Plaintiff must then notify the
9 court that she has submitted the service documents to the United States Marshal, or completed
10 service on defendant. Plaintiff is again warned that failure to comply may result in dismissal of
11 this action for lack of prosecution and failure to comply with court rules and orders. See Local
12 Rule 110.

13
14 Accordingly, IT IS HEREBY ORDERED that:

15 1. The April 3, 2015, order to show cause is discharged;
16 2. The Clerk of the Court is directed to provide plaintiff another copy of the
17 summons issued on December 19, 2014;
18 3. Within 15 days of the date of this order, plaintiff shall submit to the United
19 States Marshal a completed summons and copies of the complaint, and file a statement with the
20 court that said documents have been submitted to the United States Marshal; and

21 ///

22 ///

23 ///

24 ///

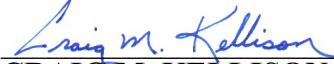
25 ///

26 ///

1 4. Alternatively, if plaintiff wishes to complete service of process on her
2 own, she shall, within 15 days of the date of this order, notify the court that she has completed
3 service of the summons and complaint on the defendant.

4

5 DATED: June 22, 2015

6 
7 CRAIG M. KELLISON
8 UNITED STATES MAGISTRATE JUDGE