

1 indication from the record that any of the defendants have been served with process. *See* Fed. R.
2 Civ. P. 4(m) (service of process must be effected within 120 days of the filing of the complaint
3 unless plaintiff demonstrates good cause).

4 Plaintiff has had ample time to retain a process server and effect service. The fact that
5 plaintiff is incarcerated does not excuse him from properly serving defendants in a timely manner.
6 *See Collins v. Pitchess*, 641 F.2d 740, 742 (9th Cir. 1981) (incarceration does not absolve a
7 plaintiff of the responsibility to prosecute his actions diligently).

8 Accordingly, IT IS HEREBY ORDERED that plaintiff shall show cause within 21 days
9 from the date of this order as to why this action should not be dismissed without prejudice. *See*
10 Fed. R. Civ. P. 4(m), 41(b); E.D. Cal. Local Rule 110.

11 Dated: December 7, 2015.

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13 EDMUND F. BRENNAN
14 UNITED STATES MAGISTRATE JUDGE

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