UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA JOHN W. WILLIAMS, No. 2:15-cv-1057-JAM-EFB P Plaintiff. ORDER TO SHOW CAUSE v. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al... Defendants. Plaintiff is a state prisoner proceeding pro se in this civil action. He commenced this 

Plaintiff is a state prisoner proceeding pro se in this civil action. He commenced this action on May 15, 2015 by filing a complaint and paying the filing fee. ECF No. 1. On June 9, 2015, the court screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A and found service appropriate for all defendants. ECF No. 5. However, plaintiff has not completed service of process notwithstanding having been warned of the requirement to timely complete service.

On August 4, 2015, the court cautioned plaintiff that it is his responsibility to arrange for service of process and that failure to do so may result in dismissal. ECF No. 12 ("Plaintiff is cautioned that failure to accomplish service within the time prescribed by Rule 4(m) may result in a this action being dismissed for failure to follow court orders, for failure to effect service of process, and/or for lack of prosecution under Rule 41(b) of the Federal Rules of Civil Procedure."); *see also* ECF No. 16. Nonetheless, more than 120 days have passed and there is no

indication from the record that any of the defendants have been served with process. See Fed. R. Civ. P. 4(m) (service of process must be effected within 120 days of the filing of the complaint unless plaintiff demonstrates good cause). Plaintiff has had ample time to retain a process server and effect service. The fact that plaintiff is incarcerated does not excuse him from properly serving defendants in a timely manner. See Collins v. Pitchess, 641 F.2d 740, 742 (9th Cir. 1981) (incarceration does not absolve a plaintiff of the responsibility to prosecute his actions diligently). Accordingly, IT IS HEREBY ORDERED that plaintiff shall show cause within 21 days from the date of this order as to why this action should not be dismissed without prejudice. See Fed. R. Civ. P. 4(m), 41(b); E.D. Cal. Local Rule 110. Dated: December 7, 2015. UNITED STATES MAGISTRATE JUDGE