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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE KAPPES, III,
Plaintiff,
v.
NANCY A. BERRYHILL, Acting
Commissioner of Social Security,
Defendant.

No. 2:18-cv-0002 DB


ORDER

On January 1, 2018, the undersigned granted plaintiff's motion to proceed in forma pauperis and ordered plaintiff to submit to the United States Marshal the documents necessary for service of process. (ECF No. 3.) Plaintiff was also ordered to file in this court a declaration stating the date on which the documents were submitted to the United States Marshal within five days after submitting those documents.

Despite the considerable passage of time, plaintiff has not filed a declaration stating the date on which the documents necessary for service were submitted to the United States Marshall and the defendant has not appeared in this action. Plaintiff is advised that Rule 4(m) of the Federal Rules of Civil Procedure provides that a defendant must be dismissed if service of the summons and complaint is not accomplished on the defendant within 90 days after the complaint was filed.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff shall show cause in writing within
2 twenty-one days why this case should not be dismissed for lack of prosecution.¹ Failure to file a
3 timely response may result in the dismissal of this action.

4 Dated: August 24, 2018

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7 DEBORAH BARNES
8 UNITED STATES MAGISTRATE JUDGE
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27 _____
28 ¹ Plaintiff may also satisfy this order by filing a declaration stating the date on which the documents were submitted to the United States Marshal.