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5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA
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8 JOSEPH JOHNSON, JR.,

No. C 08-010 SI (pr)

9 Plaintiff,

ORDER OF DISMISSAL

10 v.

11 JAMES S. CAHAN; et al.,

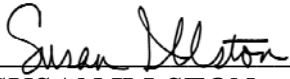
12 Defendants.
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15 This action was filed more than sixteen months ago. Plaintiff was not permitted to
16 proceed in forma pauperis and therefore was obligated to serve process on the defendants. In
17 an order filed April 13, 2009, the court noted that plaintiff had not served process and directed
18 that, no later than May 8, 2009, plaintiff was to (1) file proofs of service showing that he has
19 served the summons and complaint on each defendant in this action or (2) show cause why this
20 action should not be dismissed for failure to serve process within 120 days of the filing of the
21 complaint as required by Federal Rule of Civil Procedure 4(m). In response, plaintiff asked that
22 summonses be issued and sent to him. The court directed the clerk to issue and send five blank
23 summons forms to plaintiff, noted that the request showed that plaintiff had not taken any steps
24 to serve process until that time, and extended the deadline to June 5, 2009 for plaintiff to serve
25 process and file proofs of service showing that he had done so. The court cautioned him that
26 each defendant as to whom a proof of service was not filed by that deadline would be dismissed.
27 Plaintiff filed no proof of service indicating that service was accomplished on any
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1 defendant, and the deadline by which to do so has passed. Accordingly, all defendants will be
2 dismissed for failure to timely serve process. See Fed. R. Civ. P. 4(l)-(m). This action is
3 dismissed without prejudice. The clerk shall close the file.

4 IT IS SO ORDERED.

5 Dated: June 11, 2009


SUSAN ILLSTON
United States District Judge

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