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\*E-Filed 11/18/11\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VINCENT LEE ROSENBALM,

No. C 10-0071 RS (PR)

Plaintiff,

**ORDER OF DISMISSAL**

v.

EDWARD FOULK,

Defendant.

This is a federal civil rights action filed by a *pro se* state prisoner pursuant to 42 U.S.C. § 1983. Despite clear instructions from this Court, plaintiff has failed to effect proper service. Specifically, plaintiff has attempted to serve defendant personally via the mail. Under both state and federal rules of service, a party to the action is not authorized to serve process. *See* Fed. R. Civ. Proc. (“FRCP”) 4(c); Cal. Code of Civ. Proc. § 414.10. Accordingly, the action is DISMISSED WITH PREJUDICE for failure to comply with this Court’s order, and for failure to prosecute under FRCP 41(b). The Clerk shall enter judgment in favor of defendant, and close the file.

**IT IS SO ORDERED.**

DATED: November 18, 2011

  
RICHARD SEEBORG  
United States District JudgeNo. C 10-0071 RS (PR)  
ORDER DISMISSING ACTION