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UNITED STATES DISTRICT COURT  
Northern District of California

IRIS DEL CARMEN CASTILLO,

No. C 10-4407 MEJ

Plaintiff,

**ORDER RE: SERVICE**

v.

SOCIAL SECURITY COMMISSIONER,

Defendant.

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On September 30, 2010, Plaintiff Iris Del Carmen Castillo filed the above-captioned case, seeking review of a decision by the Secretary of Health and Human Services denying Social Security benefits. On April 28, 2011, finding no indication that Defendant had been served, the Court ordered Plaintiff to file a status report by May 19, 2011. Dkt. No. 3. In her report, filed on May 17, Plaintiff stated that she “erroneously believed that the Court clerk would serve her complaint on the Defendant.” Dkt. No. 4. Plaintiff further stated that, upon receipt of the Court’s status order, she mailed her Complaint with a request for waiver of service on May 13. *Id.* Based on Plaintiff’s report, the Court permitted the case to proceed. Dkt. No. 6.

Since that time, the Clerk of Court issued a summons on July 29 (Dkt. No. 7) and Plaintiff requested that the Clerk enter default against Defendant (Dkt. No. 8). Finding that no proof of service had been filed, the Clerk declined to enter default. Dkt. No. 10. This case has now been pending for over 14 months, and there is still no indication that Defendant has been served. Pursuant to Federal Rule of Civil Procedure 4(m), “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified

1 time.” Accordingly, the Court ORDERS Plaintiff to complete service of process by January 12,  
2 2012. Failure to comply with this Order may result in the dismissal of her case.

3 **IT IS SO ORDERED.**

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5 Dated: December 14, 2011

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8 Maria-Elena James  
9 Chief United States Magistrate Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

IRIS DEL CARMEN CASTILLO,

Plaintiff,

v.

SOCIAL SECURITY COMMISSIONER et al,

Defendant.

Case Number: CV10-4407 MEJ

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 14, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Iris Del Carmen Castillo  
769 Cinnamon Court  
Hayward, CA 94544

Dated: December 14, 2011

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk