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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YOLANDA VASQUEZ-ZARATE,

Plaintiff,

No. C -12-3843 EDL

v.

MICHAEL J. ASTRUE,

ORDER TO SHOW CAUSE

Defendant.

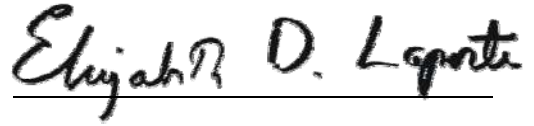
This social security appeal was filed on July 23, 2012. There has been no showing that Plaintiff has served Defendant with the summons and complaint in this case in accordance with 120-day deadline set out in Federal Rule of Civil Procedure 4. The time to serve Defendant in accordance with Rule 4 has expired. When the time to serve has expired, the Court must dismiss the case without prejudice or may order that service be completed within a specific time. See Fed. R. Civ. P. 4(m). Plaintiff is hereby Ordered to show cause by no later than December 14, 2012 why this case should not be dismissed without prejudice for failure to serve, or why an extended time for service should be allowed.

Furthermore, despite several requests from the Court, Plaintiff has not consented to or declined to have this case heard by a Magistrate Judge. Plaintiff shall file a consent or declination form by December 14, 2012.

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IT IS SO ORDERED.

Dated: November 28, 2012



ELIZABETH D. LAPORTE
United States Magistrate Judge