

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALFRED JAMES MAYLE,
Plaintiff,
v.
ERIC HOLDER, et al.,
Defendants.

Case No. 14-cv-04072-JSC

SECOND ORDER TO SHOW CAUSE

This immigration mandamus was filed on September 8, 2014; however, the docket does not reflect that Respondents have been served. Accordingly, on March 2, 2015, the Court issued an Order to Show Cause as to why the petition should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41 based on Petitioner’s failure to serve and otherwise prosecute this action. (Dkt. No. 8.) Petitioner filed a response indicating that counsel’s secretary personally served Respondents in March (Dkt. No. 9), but Petitioner did not file a proof of service. See Fed. R. Civ. P. 4(l). Accordingly, the Court issued an Order directing Petitioner to file a proof of service by March 26. Petitioner did not do so, and instead, his counsel filed a blank certificate of service that he docketed as a “Request for Waiver of Service in a Social Security Case.” (Dkt. No. 11.) The Clerk’s Office notified Petitioner’s counsel of the filing error on April 9, but he still has not filed a proper proof of service of the immigration mandamus.

Petitioner shall have one final opportunity to comply with the rules and this Court’s Orders. **Petitioner must file a complete proof of service of the immigration mandamus by**

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May 15, 2015. Failure to do so will result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: May 8, 2015


JACQUELINE SCOTT CORLEY
United States Magistrate Judge