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28UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PETER C BENEDITH,  
Plaintiff,  
v.  
DEPARTMENT OF MEDICINE, et al.,  
Defendants.

Case No. 17-cv-02853-JST

**ORDER TO SHOW CAUSE**

Plaintiff Peter C. Benedith's complaint was filed on May 17, 2017 but has not yet been properly served. ECF No. 1. Summons issued on November 7, 2017. ECF No. 7. On December 12, 2017, Plaintiff filed a "Proof of Service," which indicated that he mailed the summons and complaint to the "writ department of Cuyahoga County OH Sheriff office," requesting personal service, but there is no indication that personal service was effected (there is a blank next to "Server's signature" and "Date" on the proof of service). ECF No. 35. On another identical "Proof of Service," separately filed on December 13, 2017, but that document does not adequately describe personal service on any defendant. ECF No. 38. In addition, Peter C. Benedith's name appears next to the server's signature and name, but Plaintiff cannot personally serve his own complaint. ECF No. 38. In sum, the Court concludes that Plaintiff has not properly served the complaint. Fed. R. Civ. P. 4(m).

On two prior occasions, the Court has ordered Plaintiff to show cause why the case should not be dismissed for failure to serve the complaint within 90 days. ECF Nos. 13, 15. Plaintiff has not shown cause or properly served the complaint in response.

The Court now gives Plaintiff one final chance. He must either serve his complaint and file a proof of service by February 15, 2018, or show cause in writing by that date why his case

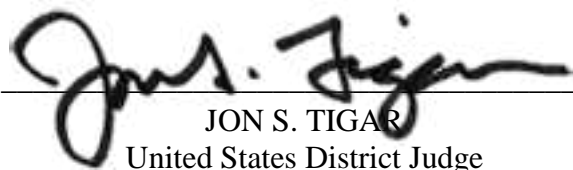
United States District Court  
Northern District of California

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should not be dismissed without prejudice for failure to serve his complaint timely as required by Rule 4(m). An order to show cause hearing is set for February 22, 2018. Plaintiff is instructed to appear. If Plaintiff does not show cause or properly serve the complaint, the case will be dismissed without prejudice.

**IT IS SO ORDERED.**

Dated: January 31, 2018

  
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JON S. TIGAR  
United States District Judge