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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LEANDER GREEN,  
Plaintiff,  
v.  
NANCY A. BERRYHILL,  
Defendant.

Case No. [17-cv-03054-SK](#)

**ORDER TO SHOW CAUSE**

Plaintiff Leander Green filed his complaint in the above captioned matter on May 26, 2017. Pursuant to Federal Rule of Civil Procedure 4(b), after filing his complaint, Plaintiff had an obligation to present a summons to the clerk for signature and seal. Plaintiff was then required to serve the summons and complaint by no later than ninety days after he filed the complaint. See Fed. R. Civ. P. 4(c), (m). Pursuant to Federal Rule of Civil Procedure 4 (“Rule 4”), “[i]f a defendant is not served within 90 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). The Court must extend the time for service “if the plaintiff shows good cause for the failure.” Id. The ninety-day deadline expired on August 24, 2017. On October 9, 2017, well after that deadline passed, Plaintiff filed a proposed summons.

The Court HEREBY ORDERS Plaintiff TO SHOW CAUSE why this case should not be dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff shall file a written response to this Order to Show Cause by no later than October 26, 2017. Moreover, Plaintiff shall provide good cause for the delay in filing the proposed summons and in serving Defendant. Plaintiff is admonished that if he fails to file a response to this Order to Show

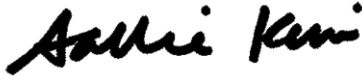
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Cause by October 26, 2017, the Court will reassign this matter and issue a report and recommendation that this matter be dismissed for failure to prosecute.

**IT IS SO ORDERED.**

Dated: October 11, 2017



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SALLIE KIM  
United States Magistrate Judge