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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVEN D. BENTLEY,
Plaintiff,
v.
TIMOTHY C. DRAPER,
Defendant.

Case No. [17-cv-03835-SK](#)

ORDER TO SHOW CAUSE

Plaintiff filed his complaint in the above captioned matter on July 5, 2017. On July 7, 2017, the Court granted his application for leave to proceed *in forma pauperis*. (Dkt. 4.) In a letter dated July 10, 2017, the Clerk requested that Plaintiff provide Defendant’s address to the Court to ensure that proper service is made. (Dkt. 5.) To date, Plaintiff has not responded to the letter or otherwise provided Defendant’s address. 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 expires on October 3, 2017.

Based on Plaintiff’s failure to respond to the Clerk’s letter and provide Defendant’s address, 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 and provide Defendant’s address for service by no later than September 29, 2017. Moreover, Plaintiff shall provide good cause for the delay in responding to the Clerk’s letter and in providing Defendant’s address. Plaintiff is admonished that if he fails to file a response to this Order to Show Cause by September 29, 2017,

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the Court will reassign this matter and issue a report and recommendation that this matter be
dismissed for failure to prosecute. The Court FURTHER ORDERS that the case management
conference scheduled for October 16, 2017 is CONTINUED to November 27, 2017 at 1:30 PM in
Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California
94102.

IT IS SO ORDERED.

Dated: September 15, 2017



SALLIE KIM
United States Magistrate Judge