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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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7 JOHN FRANCIS HUTCHENS,
8 Plaintiff,
9 v.
10 ALAMEDA COUNTY, et al.,
11 Defendants.

Case No.: 4:11-cv-06478-YGR

**ORDER DISMISSING PLAINTIFF'S AMENDED
COMPLAINT AGAINST REMAINING
DEFENDANTS FOR FAILURE TO SERVE AND
PROSECUTE ACTION**

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14 On July 9, 2012, the Court issued an Order to Show Cause Why This Action Should Not Be
15 Dismissed for Failure to Serve or Prosecute ("Order to Show Cause"). (Dkt. No. 28.) Having failed
16 to appear at a Case Management Conference on July 9, 2012, Plaintiff was ordered to file a written
17 response to the Order to Show Cause by July 27, 2012, if he contested dismissal of the action based
18 on a failure to serve remaining defendants or prosecute the action. *Id.* The Order to Show Cause
19 hearing is scheduled for August 10, 2012.

20 In the Order to Show Cause, the Court informed Plaintiff that Federal Rule of Civil Procedure
21 4(m) required that a defendant must be served within 120 days from the date the lawsuit was filed,
22 and that the 120-day period would expire on July 17, 2012. The Court stated that "Plaintiff's failure
23 to provide proof of service with his written response or failure to appear personally will be deemed an
24 admission that no good cause exists to continue prosecuting this action and the case will thereafter be
25 dismissed." *Id.* (emphasis in original).


26 Plaintiff failed to provide a written response to the Order to Show Cause by July 27, 2012 and
27 has failed to provide proof of service that remaining defendants have been served. By these actions,
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Plaintiff has admitted that no good cause exists to continue with this action. For the foregoing reasons, this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Dated: August 1, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE