

United States District Court
Northern District of California

RUBEN SUMERA,
Plaintiff,
v.
ERIC HOLDER, et al.,
Defendants.

Case No.: CV 13-01950-KAW

ORDER REGARDING PLAINTIFF'S
RESPONSE TO ORDER TO SHOW CAUSE

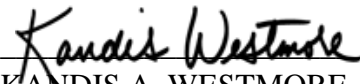
On October 4, 2013, this court ordered Plaintiff to show cause why the above-captioned case should not be dismissed for failure to prosecute. (Oct. 1, 2013 Order to Show Cause, Dkt. No. 10.) In the order, the court noted that while it had granted Plaintiff an extension of time to serve the defendants, Plaintiff had not filed proof of service of the summons and complaint. (*Id.*) The extended deadline for serving the defendants was August 31, 2013. (*Id.*) The court therefore ordered Plaintiff to file a written response to the order to show cause by Friday, October 18, 2013 at 5:00 p.m.

Plaintiff filed an untimely response to the order to show cause. (Pls.' Response, Dkt. No. 11.) While the court excuses the late filing, Plaintiff's response is insufficient. Plaintiff indicated that defendants were served on September 18, 2013 and that he will file proof of service upon receipt from the process server. (*Id.*)

As of the date of this order, Plaintiff has not yet filed proof of service of the summons and complaint. Plaintiff shall promptly file proof of service of the summons and complaint. The court will discharge the order to show cause after Plaintiff has filed such proof of service.

IT IS SO ORDERED.

Dated: October 25, 2013


KANDIS A. WESTMORE
United States Magistrate Judge