

United States District Court
Northern District of California

RUBEN SUMERA,

Plaintiff,

v.

ERIC HOLDER, et al.,

Defendants.

Case No.: CV 13-01950-KAW

ORDER REQUIRING PLAINTIFF TO FILE
PROOF OF SERVICE OF THE SUMMONS
AND COMPLAINT

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, the extended deadline for serving the defendants had passed without Plaintiff filing proof of service of the summons and complaint. (Id.) The extended deadline for serving the defendants was August 31, 2013. (Id.) Plaintiff was to file a written response to the order to show cause by Friday, October 18, 2013 at 5:00 p.m. (Id.)

Plaintiff filed a response to the order to show cause on October 18, 2013 at 10:36 p.m. (Pl.'s Response, Dkt. No. 11.) The court noted that Plaintiff's response was insufficient. (October 25, 2013 Order re Pl.'s Response at 1, Dkt. No. 12.) In the response, Plaintiff indicated that defendants were served on September 18, 2013 and that he would file proof of service upon receipt from the process server. (Pl.'s Response at 1.)

On October 25, 2013, the court ordered Plaintiff to promptly file proof of service of the summons and complaint. (October 25, 2013 Order re Pl.'s Response at 1.) In that order, the court put counsel on notice that it would not discharge the order to show cause until after Plaintiff filed proof of service of the summons and complaint. (Id.) As of the date of this order, Plaintiff has not done so.

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Accordingly, the court hereby orders Plaintiff to file proof of service of the summons and complaint by December 4, 2013. If Plaintiff fails to comply with that deadline, the above-captioned case may be dismissed for failure to prosecute.

IT IS SO ORDERED.

Dated: November 20, 2013


KANDIS A. WESTMORE
United States Magistrate Judge