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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HENRY MALASKY,
Plaintiff,
v.
ROBERT A. JULIAN, et al.,
Defendants.

Case No. [16-cv-04102-DMR](#)

**ORDER TO SHOW CAUSE RE
SERVICE OF COMPLAINT**

A case management conference was scheduled for October 19, 2016 at 1:30 p.m. in the above-entitled case, with a case management conference statement due by October 12, 2016. Plaintiff Henry Malasky filed an untimely case management conference statement in which he indicated that Defendants have not yet been served. He did not appear at the case management conference. Further, Plaintiff filed the complaint on July 21, 2016. Pursuant to Federal Rule of Civil Procedure 4(m), the court must dismiss an action without prejudice if a defendant is not served within 90 days after the complaint is filed.

Accordingly, Plaintiff is hereby ORDERED to show cause in writing by no later than **October 31, 2016** why this action should not be dismissed without prejudice for failure to prosecute and failure to serve the summons and complaint on Defendants. Failure to file a response to this order to show cause by October 31, 2016 may result in dismissal of this action.

IT IS SO ORDERED.

Dated: October 19, 2016



DONNA M. RYU
United States Magistrate Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 HENRY MALASKY,
4 Plaintiff,

5 v.

6 ROBERT A. JULIAN, et al.,
7 Defendants.
8

Case No. [4:16-cv-04102-DMR](#)

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
10 District Court, Northern District of California.

11
12 That on October 19, 2016, I SERVED a true and correct copy(ies) of the attached, by
13 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
14 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
15 receptacle located in the Clerk's office.
16

17 Henry Malasky
18 2110 West Slaughter Lane
19 Suite 107-580
20 Austin, TX 78748

Dated: October 19, 2016

21
22 Susan Y. Soong
23 Clerk, United States District Court

24
25 
26 By: _____
27 Ivy Lerma Garcia, Deputy Clerk to the
28 Honorable DONNA M. RYU