

United States District Court  
Northern District of California

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**BIRON M. CARITHERS,**  
Plaintiff,  
  
vs.  
  
**FRANCES EVELYN GENEVIEVE SCHRIVER,  
ET AL.,**  
  
Defendants.

CASE NO. 19-cv-02676-YGR


**ORDER DISMISSING ACTION FOR FAILURE  
TO PROSECUTE**

On May 17, 2019, plaintiff Biron M. Carithers, proceeding *pro se*, filed a complaint against thirty-five (35) defendants. (Dkt. No. 1.) On August 19, 2019, the Court issued an order reminding plaintiff that pursuant to Federal Rule of Civil Procedure 4(m), he must serve the complaint in the above-referenced action within ninety (90) days of filing. (Dkt. No. 13.) Therein, the Court instructed plaintiff to file, by no later than Friday, September 6, either (1) proof of service(s); or (2) a written response to this order explaining his failure to comply with Rule 4(m). (*Id.*) The Court also informed plaintiff that failure to timely file will result in dismissal of his complaint for failure to prosecute pursuant to Rule 4(m). (*Id.*)

As of the date of this Order, plaintiff has not filed proof of service or any written response to the Court's August 19, 2019 Order. Accordingly, the Court **DISMISSES** plaintiff's action without prejudice for failure to prosecute pursuant to Rule 4(m).

**IT IS SO ORDERED.**

Dated: October 9, 2019

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE