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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

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GAGAN GAUTAM,

v.

Plaintiff,

Defendant.

OFFICER J. MARFIA,

Case No.: 9-CV-05088-LHK

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE FOR FAILURE TO PROSECUTE

The complaint in this action was filed on October 26, 2009. Pursuant to Federal Rule of Civil Procedure 4(m), the deadline for service was 120 days from the date of filing, or April 23, 2010. To date, Plaintiff has not filed proof of service.

On February 8, 2011, Judge Grewal (to whom this case was previously assigned) ordered the Plaintiff to show cause why the case should not be dismissed for failure to prosecute by February 27, 2011. As of today's date, Plaintiff has not responded to the Order to Show Cause.

This case was reassigned to the undersigned Judge on March 14, 2011. In the Reassignment Order, Judge Grewal recommends that the case be dismissed for failure to prosecute. The Court agrees. Accordingly, this case is hereby DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 4(m). The Clerk shall close the file.

United States District Court For the Northern District of California

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Case No.: 09-CV-05088-LHK ORDER DISMISSING CASE

1	IT IS SO ORDERED.	
2	Dated: March 23, 2011	Jucy H. Koh
3		LUCY H. KOH United States In trict Judge
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	Case No.: 09-CV-05088-LHK ORDER DISMISSING CASE	_

United States District Court For the Northern District of California