UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

RONALD METCALFE, Plaintiff, v. STATE OF CALIFORNIA; DEPARTMENT OF CORRECTIONS & REHABILITATION; SALINAS VALLEY STATE PRISON (SVSP) WARDEN A. HEDGPETH; FORMER SVSP WARDEN M. EVANS; FORMER SVSP CHIEF DEPUTY WARDEN G. NEOTTI; FORMER SVSP CHIEF DEPUTY WARDEN G. LEWIS; CORRECTIONAL TRAINING FACILITY (CTF) WARDEN R. GROUNDS; FORMER CTF WARDEN(A) C. NOLL; and DOES 1 THROUGH 50 INCLUSIVE, Defendants.	Case No.: 12-cv-01445-LHK ORDER TO SHOW CAUSE

On March 22, 2012, Plaintiff Ronald Metcalfe ("Metcalfe"), who is represented, filed his original complaint in this matter. ECF No. 1. The matter was assigned to Magistrate Judge Grewal. On June 18, 2012, Metcalfe declined to proceed before the Magistrate Judge and requested that the matter be reassigned to a United States District Judge. ECF No. 5. The matter was reassigned to the undersigned judge on June 19, 2012. ECF No. 7. A case management conference was scheduled for September 26, 2012. 127 days have passed since the filing of the original complaint but no proofs of service have been filed.

Federal Rule of Civil Procedure 4(m) requires a plaintiff to serve a defendant within 120 days after he files the complaint. A court must dismiss a case without prejudice if a plaintiff has not complied with Rule 4(m), unless the plaintiff shows good cause for his failure to serve the defendant. Fed. R. Civ. P. 4(m).

Under Rule 4(m), Metcalfe was required to file proofs of service for each Defendant by July 20, 2012. Metcalfe has not filed proofs of service for any of the Defendants. Accordingly, the Court ORDERS Metcalfe to show cause why this action should not be dismissed for failure to serve the Defendants as required by Rule 4(m) by **August 29, 2012**. *See, e.g.*, *Boles v. Courvoisier*, Case No. 11-cv-04854-YGR, 2012 U.S. Dist. LEXIS 77249, at *20 (N.D. Cal. June 4, 2012) (issuing order to show cause for failure to serve defendants within 120 days). The Court will hold an order to show cause hearing on **September 5, 2012**, at **2:00 p.m**. Failure to respond by August 29, 2012 and failure to appear at the hearing scheduled for September 5, 2012, will result in a dismissal without prejudice. The case management conference scheduled for September 26, 2012, is hereby vacated.

IT IS SO ORDERED.

Dated: July 27, 2012

Lucy H. Koh

LUCY H. KOH
United States District Judge