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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ELENA KOUNITSKI,
Plaintiff,
v.
CAROLYN W. COLVIN,
Defendant.

Case No. 16-CV-03018-LHK
ORDER TO SHOW CAUSE

On June 3, 2016, Plaintiff Elena Kounitski filed a complaint in this Court against Defendant Carolyn W. Colvin. This civil action is subject to the Federal Rules of Civil Procedure. *See* 42 U.S.C. § 405(g) (stating that a party may obtain judicial review of a final decision of the Commissioner of Social Security by filing “a civil action.”). Under Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff was required to serve Defendants with the summons and complaint by September 1, 2016, which is 90 days from the filing of the complaint. Plaintiff has yet to file proof of service.

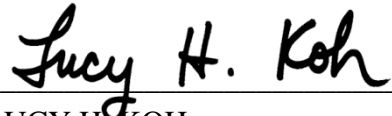
Because Plaintiff has failed to file proof of service of the complaint and summons, the Court hereby **ORDERS** Plaintiff to show cause why this case should not be dismissed with prejudice for

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failure to prosecute. Plaintiff has until November 10, 2016, to file a written response to this Order to Show Cause. A hearing on this Order to Show Cause is hereby set for November 17, 2016 at 1:30 p.m. Plaintiff's failure to respond to this Order and to appear at the November 17, 2016 hearing will result in dismissal of this action with prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: November 3, 2016



LUCY H. KOH
United States District Judge