

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

VINCENT BRYANT,

Plaintiff,

vs.

UNITED STATES SOCIAL
SECURITY ADMINISTRATION,

Defendant.

CASE NO. 13cv2229-WQH-
KSC

ORDER

HAYES, Judge:

On September 17, 2013, Plaintiff initiated this action by filing a Complaint (ECF No. 1) and a Motion for Leave to Proceed In Forma Pauperis (“Motion to Proceed IFP”) (ECF No. 2). On November 18, 2013, the Court issued an Order granting Plaintiff’s Motion to Proceed IFP, and ordering the Clerk of Court to provide Plaintiff with the summons, certified copies of the Court’s Order and the Complaint, and a blank U.S. Marshal Form 285 (“IFP Package”). (ECF No. 3). The Clerk of Court mailed the IFP Package to Plaintiff at the address provided in the Complaint: 4065 43rd Street, San Diego, California, 92105. (ECF No. 6). On December 10, 2013, the IFP Package was returned as undeliverable. *Id.* No proof of service or responsive pleading has been filed.

On May 28, 2014, the Court issued an Order stating:

Federal Rule of Civil Procedure 4 requires that a summons and complaint be served “within 120 days after the complaint is filed.” Fed. R. Civ. P. 4(m). If a plaintiff fails to serve the summons and complaint within 120 days, the Court may dismiss the action without prejudice after notice to the plaintiff. *See id.*


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This Order constitutes notice to Plaintiff that the Court will dismiss this action without prejudice on **June 23, 2014**, unless, before that date, Plaintiff files either: (1) proof that service of the Summons and Complaint was timely effectuated upon Defendant within 120 days after filing of the Complaint, or (2) a declaration under penalty of perjury showing good cause for failure to timely serve Defendant, accompanied by a motion for leave to serve process outside of the 120-day period.

(ECF No. 7 at 1-2). The docket reflects that to date, Plaintiff has not responded to the Order to Show Cause.

IT IS HEREBY ORDERED that this action is DISMISSED without prejudice. The Clerk of Court shall close this case.

DATED: July 1, 2014


WILLIAM Q. HAYES
United States District Judge