

United States District Court
Southern District of Texas

ENTERED

February 24, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RUSSELL CANTU,

Plaintiff,

VS.

SOCIAL SECURITY
ADMINISTRATION, *et al*,

Defendants.

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CIVIL ACTION NO. 2:16-CV-425

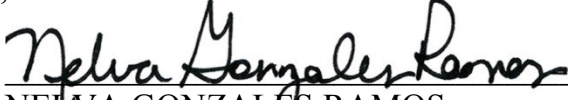
ORDER

Plaintiff, proceeding pro se and *in forma pauperis*, seeks review of a final decision denying him social security benefits. Plaintiff’s complaint was filed on October 6, 2016. (D.E. 1). On October 7, 2016, Plaintiff was ordered to complete the summons forms and return them to the Clerk of Court. (D.E. 4). Plaintiff was advised not to delay in returning the necessary forms because his case could not proceed until Defendants were properly served in accordance with the deadlines for service set by the Federal Rules of Civil Procedure. (D.E. 4). Further, Plaintiff was warned that a district court may dismiss an action for failure to prosecute or to comply with any order of the court. (D.E. 4); *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988); Fed. R. Civ. P. 41(b).

On January 26, 2017, after Plaintiff failed to comply and failed to serve the Defendants, Plaintiff was ordered to show cause on or before February 8, 2017, as to why this case should not be dismissed for want of prosecution. (D.E. 6). Plaintiff was again warned that a district court may dismiss an action for failure to prosecute or to comply with any order of the court. (D.E. 6, Page 2). To date, Plaintiff has failed to comply and

the Defendants have not been served. The deadline for service has passed. *See* Fed. R. Civ. P. 4m. The Court finds Plaintiff's default in this action demonstrates a continuing and intentional failure to prosecute his claims. Therefore, Plaintiff's case is **DISMISSED** without prejudice.

ORDERED this 24th day of February, 2017.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE