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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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MICHAEL W. PRIEST,

Plaintiff,

v.

JIM WINDER and OFFICER RANDOLF

Defendants.

MEMORANDUM DECISION

Case No. 2:16-cv-00696-DN-DBP

District Judge David Nuffer

Magistrate Judge Dustin B. Pead

This matter was referred to the court under 28 U.S.C. § 636(b)(1)(B). (ECF No. 4.) On July 1, 2016, the court granted Plaintiff's motion to proceed in forma pauperis and Plaintiff's complaint against Defendants was filed. (ECF Nos. 2–3.) Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff should have served Defendant with a summons and complaint within 90 days of filing the complaint. To date, more than 90 days passed since Plaintiff filed his complaint, but Plaintiff has not provided the court with proof of service on Defendants, or request service on Defendants. *See* Fed. R. Civ. P. 4(l)(1); 28 U.S.C. § 1915.

Given Plaintiff's failure to prove or request service, the court **ORDERS** Plaintiff to **SHOW CAUSE** why the above captioned case should not be dismissed for failure to prosecute. Plaintiff must respond to the court in writing within **fifteen (15)** days from the date of this Order to inform the court about the status of the case and his intentions to proceed. Failure to do so will result in dismissal of the case.

Dated this 30th day of January 2017.

By the Court:



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Dustin B. Pead  
United States Magistrate Judge