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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TIMOTHY S. MCNIVEN,

Plaintiff,

v.

DONALD J. TRUMP,

Defendant.

Case No. C17-223RSM

ORDER OF DISMISSAL

This matter comes before the Court *sua sponte* on the Court's May 30, 2017, Order to Show Cause. Dkt. #6. In that Order the Court stated that it appeared Plaintiff was not prosecuting his case and that he had failed to properly serve Defendant, President Donald J. Trump, as required under Federal Rule of Civil Procedure 4(i). *Id.* The Court ordered Plaintiff to show why this case should not be dismissed for failure to prosecute and for improper service. The Court specifically asked Plaintiff to explain (1) if he intends to proceed with his claims; (2) the reason for his failure to take any action in this matter since filing and serving his Complaint; and (3) why his method of service was proper.

On June 7, 2017, Plaintiff responded with the following, recited below verbatim:

US Government SUBORDINATE Martinez,

My Non-Rescindable US Military Orders LEGALLY
SUPERSEDE your Court's Authority to Alter, Change or

1 SABOTAGE Them in any manner. In the future when I have the
2 time I will Prosecute you to the fullest extent of the US Military
3 Code of Justice in accordance to my United States Department of
4 Defense Orders.

5 Dkt. #7 at 1 (emphasis in original).

6 Plaintiff has not answered the Court's questions. The Court finds that Plaintiff has
7 failed to prosecute his case. Further, Plaintiff has failed to properly serve Defendant within 90
8 days after filing his Complaint. The Court has provided notice of this problem to Plaintiff and
9 Plaintiff has failed to explain why service is proper in this case. Accordingly, the Court will
10 dismiss the action without prejudice. Fed. R. Civ. P. 4(m). In so ruling, the Court takes no
11 position on the underlying merits of Plaintiff's case.

12 Accordingly, the Court hereby finds and ORDERS:

- 13 1) This matter is DISMISSED without prejudice.
14 2) This case is now CLOSED.
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17 DATED this 19 day of June, 2017.

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20 RICARDO S. MARTINEZ
21 CHIEF UNITED STATES DISTRICT JUDGE
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