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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 FRANCIS H. RUBATINO JR.,

11 Plaintiff,

12 v.

13 NANCY BERRYHILL, Acting
Commissioner of Social Security,

14 Defendant.
15

CASE NO. 2:17-CV-01834-DWC

SECOND ORDER TO SHOW CAUSE

16 Plaintiff Francis H. Rubatino Jr. filed the Complaint in this matter on December 8, 2017.
17 Dkt. 3. The time for serving the summonses and Complaint expired on March 8, 2018, 90 days
18 after the Complaint was filed. *See* Fed. R. Civ. P. 4(l), 4(m). At that time, Plaintiff had not filed
19 proof of service with the Court. *See generally* Dkt.

20 On March 12, 2018, the Court ordered Plaintiff to show cause why this case should not
21 be dismissed without prejudice for failure to timely serve by March 19, 2018. *See* Dkt. 6; *see*
22 *also* Fed. R. Civ. P. 4(m) (emphasis added) (“If a defendant is not served within 90 days after the
23 complaint is filed, the court . . . *must dismiss the action* without prejudice against that defendant
24

1 *or order that service be made within a specified time. But if the plaintiff shows good cause for*
2 *the failure, the court must extend the time for service for an appropriate period.”).*

3 Later that day, Plaintiff filed an Affidavit of Service of Summons and Complaint. Dkt. 7.
4 However, as of March 20, 2018, Plaintiff has failed to respond to the Court’s Order to Show
5 Cause for why this case should not be dismissed for failure to timely serve. *See generally* Dkt.

6 Therefore, the Court again orders Plaintiff to show cause for why this case should not be
7 dismissed without prejudice for failure to timely serve. Plaintiff must show cause on or before
8 March 23, 2018, or risk dismissal of this case without prejudice.

9 Dated this 20th day of March, 2018.

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12 David W. Christel
13 United States Magistrate Judge
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