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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Clipper Investments, LLC, et al.,)

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Plaintiffs,)

No. CIV 08-1127-PHX-DKD

11

vs.)

ORDER

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Louis Quiles, et al.,)

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Defendants.)

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Plaintiff filed this action on June 17, 2008 (Doc. #1); on August 6, 2008, Plaintiff filed his Amended Complaint (Doc. #6). On January 9, 2009, the Court issued an Order directing that all parties to this action shall execute and file either a written consent to the exercise of authority by a Magistrate Judge or a written election to have the case reassigned to a District Judge. The deadline to submit the election/consent form was January 29, 2009. A review of the record indicates that defendants have not been served regarding this matter.

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Federal Rule of Civil Procedure 4(m) states:

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(m) Time Limit for Service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. . .

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Rule 4(m), Federal Rules of Civil Procedure.

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1 LRCiv 41.1, Rules of Practice of the United States District Court for the District of
2 Arizona provides that "[c]ases which have had no proceedings for six (6) or more months may
3 be dismissed by the Court for want of prosecution."

4 **IT IS THEREFORE ORDERED** that plaintiff shall have twenty (20) days from the
5 date of the filing of this Order to show good cause why this case should not be dismissed
6 pursuant to LRCiv 41.1, Rules of Practice of the United States District Court for the District of
7 Arizona, for want of prosecution and Rule 4(m), F.R.Civ.P. If plaintiff fails to comply with this
8 Order, this action shall be dismissed.

9 DATED this 3rd day of February, 2009.

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13 David K. Duncan
14 United States Magistrate Judge

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