

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

CIVIL MINUTES - GENERAL

Case No.: CV 08-129 AHS (ANx)

Date: January 14, 2009

Title: Dannez Hunter v. U.S. Department of Education, et al.
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PRESENT: **HON. ALICEMARIE H. STOTLER, U.S. DISTRICT JUDGE**

Ellen Matheson
Deputy Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT: None

PROCEEDINGS: (IN CHAMBERS) ORDER: (1) DISCHARGING THE COURT'S DECEMBER 29, 2008, ORDER TO SHOW CAUSE; (2) VACATING THE FEBRUARY 2, 2009, RULE 26(f) REPORT FILING DEADLINE; AND (3) ORDERING PLAINTIFF TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED

I. Procedural History

On December 29, 2008, the Court issued an Order to Show Cause why sanctions should not be imposed for failure to file a joint report as required under Fed. R. Civ. P. 26(f)(2). On January 9, 2009, plaintiff filed a response. On January 12, 2009, individually-named defendants Margaret Spelling, Henry M. Paulson, and Richard George (collectively, "individually-named defendants") filed responses.

II. Order Discharging the Court's December 29, 2008, Order to Show Cause, and Vacating the February 2, 2009, Rule 26(f) Report Filing Deadline

Having read and considered foregoing responses, the Court hereby discharges the Order to Show Cause and vacates the February 2, 2009, filing deadline for the Joint Rule 26(f) Report.

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III. Order to Show Cause Why Case Should Not be Dismissed

As the individually-named defendants note in their responses, the Court record indicates that this action has not been diligently prosecuted by plaintiff in that the individually-named defendants have not been properly served with a summons and complaint. More than 120 days have elapsed since plaintiff filed the First Amended Complaint. See Fed. R. Civ. P. 4(m). No proofs of service are on file for the individually-named defendants with respect to the First Amended Complaint.

It is hereby ordered that plaintiff show cause within twenty days of the date of this Order why this case should not be dismissed for failure to diligently prosecute. Fed. R. Civ. P. 4(m); Local Rule 41. Failure to timely comply with this Order shall result in the dismissal of the individually-named defendants and, consequently, this action.

The Clerk shall serve this minute order on all parties in this action.