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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PRO-CON INDUSTRIES, INC.,  
Plaintiff(s),  
VS.  
PETAQUILLA MINERALS, S.A., et al.,  
Defendant(s).

Case No. CV 09-00673- RGK (JTLx)  
ORDER OF DISMISSAL FOR LACK OF PROSECUTION

On August 31, 2009, this Court issued an Order to Show Cause Re Lack of Prosecution ("OSC"). Plaintiff was ordered to show cause in writing on or before September 9, 2009, why this action should not be dismissed for lack of prosecution as to defendant Petaquilla Minerals, S.A. Proof of timely service of the summons and complaint, a timely answer, or plaintiff's application for entry of default would serve as a satisfactory response to the OSC.

On September 9, 2009, plaintiff filed a proof of service of the summons and complaint. The proof of service indicates that the summons and complaint were served on September 3, 2009. The complaint in this matter was filed on January 28, 2009, making May 28, 2009 the last day to timely serve the summons and complaint. Pursuant to Fed.R.Civ.Proc.4(m), absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a

1 defendant within 120 days after the complaint is filed. Plaintiff has failed to comply with  
2 Fed.R.Civ.Proc.4(m), and, therefore, the action is dismissed.


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4 **IT IS SO ORDERED.**

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6 Dated: September 11, 2009

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R. GARY KLAUSNER  
UNITED STATES DISTRICT JUDGE

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