

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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|----------|---|------|---------------|
| Case No. | CV 10-7759 ODW(JEMx) | Date | March 9, 2011 |
| Title | Mariaelena Mata et al v. Enhanced Recovery Company, LLC | | |

Present: The Honorable Otis D. Wright II, United States District Judge

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|--------------|----------------|----------|
| Raymond Neal | Not Present | n/a |
| Deputy Clerk | Court Reporter | Tape No. |

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings (IN CHAMBERS): Order to Show Cause re Dismissal for Lack of Prosecution

This Order is issued pursuant to Fed. R. Civ. P. 4(m), which requires that plaintiff(s) serve the summons and complaint upon all defendants within 120 days after filing the complaint. The Court may dismiss the action prior to the 120 days, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is the responsibility of plaintiff to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiff(s) must also pursue Rule 55 remedies promptly upon default of any defendant. All stipulations affecting the progress of the case must be approved by the Court. Local Rule 7-1.

The file in this case lacks the papers that would show it is being timely prosecuted, as reflected below. Accordingly, the Court, on its own motion, hereby orders plaintiff(s) to show cause in writing no later than **Wednesday, March 23, 2011** why this action should not be dismissed as to all remaining defendants for lack of prosecution.

As an alternative to a written response by plaintiff(s), the Court will accept one of the following, if it is filed on or before the above date, as evidence that the matter is being prosecuted diligently:

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- (1) Proof of service of summons and complaint (applicable for defendant(s) who have not been served);
- (2) In cases removed from State Court, responsive pleadings filed by all defendants;
- (3) Request for entry of default by plaintiff(s) (applicable where defendants have been served but not answered);
- (4) Motion for default judgment or request for clerk to enter default judgment

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

Initials of Preparer _____ : _____ 00
RGN