Robert Butch Vallee v. Terry Ciotka et al Doc. 10

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SA CV 17-0943-DOC (JCGx) Date: September 14, 2017

Title: ROBERT BUTCH VALLEE V TERRY CIOTKA, ET AL

PRESENT: The Honorable DAVID O. CARTER, U.S. District Judge

Deborah Goltz	None
Courtroom Clerk	Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:	ATTORNEYS PRESENT FOR DEFENDANT:
None Present	None Present

PROCEEDINGS (IN CHAMBERS): ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED FOR LACK OF PROSECUTION

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 **September 18, 2017** why this action should not be dismissed as to all remaining defendants for lack of prosecution.

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.

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:

- **Proof of Service of Summons and Complaint; or**
- **Notice of Voluntary Dismissal (F.R.Civ.P. 41)**

Absent showing of good cause, an action shall be dismissed if the summons and complaint have not been served upon all defendants within 90 days after the filing of the complaint. Fed. R. Civ. P. 4 (m). The Court may dismiss the action prior to the expiration of such time, however, if plaintiffs have not diligently prosecuted this action.

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.

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