

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALL POINTS CAPITAL CORPORATION, a)
New York corporation,)
)
Plaintiff,)
)
v.)
)
FOSTER AND SONS GENERAL)
ENGINEERING CONTRACTORS, INC., a)
California corporation, JAMES B. FOSTER,)
an individual, and OTILIA T. FOSTER, an)
individual,)
)
Defendants.)
_____)

1:10-cv-00801 AWI GSA

**ORDER TO SHOW CAUSE WHY
SUMMONS AND COMPLAINT HAVE
NOT BEEN SERVED IN COMPLIANCE
WITH RULE 4 OF THE FEDERAL
RULES OF CIVIL PROCEDURE**

**ORDER VACATING INITIAL
SCHEDULING CONFERENCE AND
SETTING A STATUS CONFERENCE**

On May 7, 2010, Plaintiff All Points Capital Corporation filed a complaint with this Court. (Doc. 2.) On May 10, 2010, the Court issued summonses to Defendants Foster and Sons General Engineering Contractors, Inc., James B. Foster and Otilia B. Foster. (Docs. 4-6.)

To date, Plaintiff has filed no documents to show proof of service of the summons and complaint on any of the named Defendants to establish it has complied with Rule 4(l) and (m) of the Federal Rules of Civil Procedure, nor have any of the aforementioned Defendants appeared in this action.

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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.

Plaintiff is admonished that this Court will recommend dismissal of this action if Plaintiff fails to comply with this Order and to show good cause for its failure to accomplish service of the summons and complaint.

IT IS SO ORDERED.

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE