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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

AUGUSTINE LUGUE,
Plaintiff,
v.
B. F. SAUL MORTGAGE COMPANY,
CHICAGO TITLE COMPANY, and
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
Defendants.

) 1:10-cv-01673 LJO 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**

On September 15, 2010, Plaintiff Augustine Lugue filed a complaint with this Court asserting various causes of action related to a piece of real property located in the City of Clovis. (Doc. 1.) On September 20, 2010, the Court issued summonses to Defendants B. F. Saul Mortgage Company, Chicago Title Company, and Mortgage Electronic Registration Systems, Inc. (Doc. 2.)

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 he has complied with Rule 4(l) and (m) of

1 the Federal Rules of Civil Procedure, nor have any of the aforementioned Defendants appeared in
2 this action.

3 **DISCUSSION**

4 Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

5 If service of the summons and complaint is not made upon a defendant
6 within 120 days after the filing of the complaint, the court, upon motion or on its
7 own initiative after notice to the plaintiff, shall dismiss the action without
8 prejudice as to that defendant or direct that service be effected within a specified
9 time; provided that if the plaintiff shows good cause for the failure, the court shall
10 extend the time for service for an appropriate period.

11 More than 120 days have elapsed since Plaintiff filed the summons and complaint in this
12 action. As of this date, 126 days have elapsed. Thus, **this Court ORDERS Plaintiff, no later**
13 **than February 9, 2011, to show cause in writing** why Plaintiff has failed to: (1) file documents
14 to show proof of service of the summons and complaint on the aforementioned Defendants to
15 comply with Rule 4(l) of the Federal Rules of Civil Procedure; and (2) accomplish service of the
16 summons and complaint on the aforementioned Defendants within 120 days of filing the
17 complaint to comply with Rule 4(m) of the Federal Rules of Civil Procedure.

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

21 IT IS SO ORDERED.

22 **Dated: January 19, 2011**

23 **/s/ Gary S. Austin**
24 **UNITED STATES MAGISTRATE JUDGE**