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10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

12 DANIEL DELGADO,	}	No. 1:11-CV-00379-LJO-SKO
13 Plaintiff,	}	PLAINTIFF’S REQUEST TO CONTINUE SCHEDULING CONFERENCE; ORDER
14 vs.	}	
15 ALI SADIK, JUAN GALINDO dba BUTLER	}	
16 MINI MART,	}	
17 Defendants.	}	

18 Plaintiff Daniel Delgado (“Plaintiff”) hereby respectfully requests that the Court
 19 continue the scheduling conference currently scheduled for August 2, 2011 at 9:45 a.m. to
 20 September 27, 2011 at 9:30 a.m. for the following good cause:

21 1. Defendant Juan Galindo, dba Butler Mini Mart, has been properly served with
 22 the summons and complaint but has not responded within the time permitted by law. Plaintiff
 23 has advised Mr. Galindo that if a responsive pleading is not filed, a default will be taken against
 24 him. Assuming no responsive pleading is filed, Plaintiff will shortly be filing a request to enter
 25 default and supporting documents as to Mr. Galindo.

26 2. Plaintiff has been diligently trying to serve defendant Ali Sadik at multiple
 27 different addresses and on many different occasions but has been unable to locate him. If
 28 Plaintiff is not imminently able to locate Mr. Sadik and effect service, Plaintiff will be

1 motioning the Court for an order allowing for the publication of the summons and complaint
2 based on the extensive efforts which have been made to personally serve Mr. Sadik.

3 3. There are presently no defendants who have appeared in this action and thus no
4 defendant would be able to participate in the scheduling conference currently set for August 2,
5 2011.

6
7 Date: July 21, 2011

MOORE LAW FIRM, P.C.

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9 /s/Tanya E. Moore

Tanya E. Moore

10 Attorneys for Plaintiff Daniel Delgado

11
12 **ORDER**

13 **IT IS HEREBY ORDERED** that the scheduling conference currently set for August 2,
14 2011, be continued to September 27, 2011, at 9:30 a.m. in Courtroom 8 before Magistrate
15 Sheila K. Oberto. Plaintiff shall file any motion and order for service by publication by no later
16 August 10, 2011.

17
18 IT IS SO ORDERED.

19 Dated: July 21, 2011

/s/ Sheila K. Oberto

20 UNITED STATES MAGISTRATE JUDGE