UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTHONY NUNEZ, et al.,

Plaintiffs,

v.

CITY OF MODESTO, et al.,

Defendants.

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Case No. 1:14-cv-552-SKO

ORDER GRANTING PLAINTIFFS' REQUEST FOR ADDITIONAL TIME TO RESPOND TO THE COURT'S OCTOBER 9, 2014, ORDER TO SHOW CAUSE

(Doc. 13)

Plaintiffs filed this action in April 2014, and the Court set a scheduling conference for August 5, 2014, and a Case Management Conference ("CMC") for June 10, 2014. On June 9, 2014, as no executed proofs of service had been filed and no Defendant had responded to the complaint, the CMC was continued to July 8, 2014. (Doc. 5.) On July 3, 2014, the CMC was again continued because no Defendant had responded to the complaint and no executed summonses were filed by Plaintiffs.

On July 23, 2014, the Court again continued the CMC because no Defendant had appeared; the CMC was consolidated with the scheduling conference and both were reset to October 21, 2014. Plaintiffs were ordered to file a proof of service of the complaint on or before August 29, 2014. Plaintiffs did not comply with this order.

On October 8, 2014, the scheduling conference and CMC were vacated. (Doc. 9.) The Court issued an order to show cause why the action should not be recommended for dismissal based on Plaintiffs' failure to prosecute and for failure to comply with the Court's July 23, 2014,

order. Plaintiffs were required to respond to the order to show cause by October 20, 2014, but they failed to file a response before that deadline.

On October 22, 2014, Plaintiffs filed a request for additional time to respond to the Court's order to show cause. (Doc. 11.) Plaintiffs indicated their attorney is involved in a criminal trial in Stanislaus County, and additional time is necessary to prepare a statement in response. Plaintiffs indicate a response shall be filed by no later than November 13, 2014. Therefore, the Court permitted Plaintiffs to file a response by no later than November 13, 2014.

On November 17, 2014, Plaintiffs filed another request for additional time to respond to the order to show cause indicating that their counsel's criminal trial was still pending and that a response could not be filed until November 26, 2014. This is the **final** extension of time to file a response to the order to show cause that Plaintiffs will be permitted.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiffs' request for additional time to file a response to the Court's order to show cause is GRANTED;
2. Plaintiffs shall file a statement in response to the Court's order to show cause by no later than **November 26, 2014**; and
3. If Plaintiffs fail to file a timely response to the order to show cause, this action will be recommended for dismissal with prejudice.

IT IS SO ORDERED.

Dated: **November 20, 2014**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE