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| 8        | UNITED ST   | TATES DISTRICT COURT   |
| 9        | EASTERN DISTRICT OF CALIFORNIA  |  |
| 10       |   |  |
| 11       | CAROLYN MINER, et al.,  | ) Case No.: 1:15-cv-00352 JLT  |
| 12       | Plaintiffs,   | ORDER TO PLAINTIFFS TO SHOW CAUSE  |
| 13       | v.  | <ul><li>) WHY THE MATTER SHOULD NOT BE</li><li>) DISMISSED FOR THEIR FAILURE TO COMPLY</li></ul> |
| 14       | BARBARA FERRANTI, et al.,   | ) WITH FED. R. CIV. P. 4(m)  |
| 15<br>16 | Defendants.   | ORDER CONTINUING SCHEDULING CONFERENCE   |
| 17       | On March 5, 2015, Plaintiffs filed the instant action. (Doc. 1) On the July 23, 2015, the Cour  |  |
| 18       | issued the summonses (Docs. 2-9) and its order setting the mandatory scheduling conference to occur   |  |
| 19       | on November 9, 2015. (Doc. 10) In its order setting the mandatory scheduling conference, the Court  |  |
| 20       | advised counsel:  |  |
| 21       | The Court is unable to conduct a scheduling conference until defendants have been sarved with the summons and complaint. Accordingly, plaintiff(s) shall diligently   |  |
| 22       | served with the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of summons and complaint and dismiss those defendants against whom plaintiff(s) will not pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint so the Court has a record of service. Counsel are referred to F.R.Civ.P., Rule 4 regarding the requirement of timely service of the complaint.  Failure to timely serve summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants. |  |
| 23       |   |  |
| 24       |   |  |
| 25       | sanctions, including the dismissal  | i of unserved detenualits.   |
| 26       | (Doc. 9 at 1-2, emphasis added) Nevertheless, Plaintiff has not filed a proof of service of the   |  |
| 27       | summons and complaint and no defendant has appeared in the action.  |  |
| 28       | ///   |  |

Therefore, the Court **ORDERS**, No later than November 20, 2015, Plaintiffs **SHALL** show cause in writing why the matter should not be dismissed for their failure to comply with Fed. R. Civ. P. 4(m) which requires service of the summons and complaint within 120 days; The scheduling conference, currently set on November 9, 2015, is continued to January 2. 8, 2016 at 9:30 a.m. at the United States Courthouse at 510 19<sup>th</sup> Street, Bakersfield, CA. Failure to comply with this order may result in the imposition of sanctions, including the dismissal of unserved defendants. IT IS SO ORDERED. /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE Dated: **October 27, 2015**