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

ARTURO MORALES,	)	Case No.: 1:15-cv-01652 --- JLT
Plaintiff,	)	
v.	)	ORDER TO PLAINTIFF TO SHOW CAUSE WHY
	)	THE MATTER SHOULD NOT BE DISMISSED
CITY OF BAKERSFIELD, et al.,	)	ORDER CONTINUING SCHEDULING
Defendants.	)	CONFERENCE
	)	
	)	

The Court issued the summonses in this case on February 1, 2016. (Docs. 11) On the same day, the Court issued the order setting the mandatory scheduling conference. (Doc. 12) Despite this, Plaintiff has not filed proof of service on any defendant and no defendant has appeared. The Court has reminded Plaintiff of the obligation to serve the summons and complaint in a timely fashion. In its order setting the mandatory scheduling conference, the Court advised:

The Court is unable to conduct a scheduling conference until defendants have been 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.**

(Doc. 12 at 1-2, emphasis added) Notably, Fed. R. Civ. P. 4(m) reads,

If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without

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prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Therefore, the Court **ORDERS**,

1. **Within 14 days**, Plaintiff **SHALL** show cause in writing why this matter should not be dismissed for failure to comply with Rule 4 and the orders of this Court and for his failure to prosecute this action;

2. The scheduling conference, currently set on May 5, 2016, is continued to **June 23, 2016** at 10:30 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 the action.**

IT IS SO ORDERED.

Dated: **April 28, 2016**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE