## UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

| J&J SPORTS PRODUCTIONS, INC.,  Plaintiff,  v.  FREDDIE JACKSON,  Defendant. | <ul> <li>Case No.: 1:16-cv-00519 LJO JLT</li> <li>ORDER TO SHOW CAUSE WHY THE MATTER</li> <li>SHOULD NOT BE DISMISSED FOR FAILURE</li> <li>TO COMPLY WITH FED. R. CIV. P. 4 AND THIS</li> <li>COURT'S ORDER</li> </ul> |
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On June 29, 2016, the Court granted the plaintiff's request (Doc. 6) to extend the time for service of the summons and complaint. (Doc. 7) Notably, the plaintiff asserted that during the extended period, the plaintiff would effect personal service, seek service by publication or dismiss the action. (Doc. 6 at 1) Nevertheless, the plaintiff sought a second extension on August 24, 2016 after it had been unable to serve the defendant despite four attempts to do so. (Doc. 11) As in the earlier request, the plaintiff indicated that within the 45-day extension period, it would make service, file a motion for service by publication or dismiss the action. <u>Id</u>. at 2. The Court granted this second extension. (Doc. 12) Nevertheless, the plaintiff did not file proof of service, move the Court for service by publication or dismiss the action. Therefore, the Court **ORDERS**:

1. Within 14 days, the plaintiff SHALL show cause in writing why this matter should not be dismissed due to the failure to comply with Rule 4(m) and the orders of the Court. Alternatively, the plaintiff may file its notice of voluntary dismissal;

| 1  | 2.         | The mandatory scheduling con | nference is, once again, continued to February 3, 2017 at |
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| 2  | 8:30 a.m.  |                              |   |
| 3  |            |                              |   |
| 4  | IT IS SO O | RDERED.                      |   |
| 5  | Dated:     | <b>December 14, 2016</b>     | /s/ Jennifer L. Thurston                                  |
| 6  |            |                              | /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE   |
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