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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

P.Y.M.T., a minor, et al.,  
Plaintiffs,  
v.  
CITY OF FRESNO, et al.,  
Defendants.

Case No. 1:16-cv-00817-AWI-MJS  
ORDER TO SHOW CAUSE WHY ACTION  
SHOULD NOT BE DISMISSED FOR FAILURE  
TO SERVE DEFENDANTS  
ORDER VACATING APRIL 6, 2017  
MANDATORY SCHEDULING CONFERENCE  
**FOURTEEN (14) DAY DEADLINE**

Plaintiffs P.Y.M.T., a minor, Maria Carrillo, and Antonio Moreno initiated this action on June 11, 2016 against the City of Fresno, Fresno Police Department (“FPD”), FPD Officer Colin Lewis, and FPD Officer Jordan Wamhoff. (ECF No. 1.) On June 13, 2016, summons issued as to Officers Lewis and Wamhoff. (ECF Nos. 4 and 5.) An initial scheduling conference was set. (ECF No. 6.) The scheduling conference was continued several times due to Plaintiffs’ apparent failure to serve Defendants. (ECF Nos. 7, 8, 9.) Plaintiffs were reminded of the obligation to serve Defendants in compliance with Federal Rule of Civil Procedure 4(m). (Id.) To date, the docket reflects no efforts to serve Defendants.

1 Federal Rule of Civil Procedure 4(m) provides, in pertinent part: "If a defendant is  
2 not served within 90 days after the complaint is filed, the court--on motion or on its own  
3 after notice to the plaintiff--must dismiss the action without prejudice against that  
4 defendant or order that service be made within a specified time. But if the plaintiff shows  
5 good cause for the failure, the court must extend the time for service for an appropriate  
6 period."

7 Here, service of the complaint is nearly 200 days overdue. Accordingly, it is  
8 HEREBY ORDERED that, within **fourteen days** of the date of this order, Plaintiffs shall  
9 either serve Defendants or show cause why this action should not be dismissed without  
10 prejudice for failure to serve Defendants in compliance with Rule 4(m). In light of the  
11 status of this case, the mandatory scheduling conference is HEREBY VACATED and will  
12 be reset, if necessary, following Plaintiffs' response to this order.

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14 IT IS SO ORDERED.

15 Dated: March 27, 2017

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE

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