UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. ELISEO JARA, JR., et al., Defendants.	)))))))))	Case No.: 1:16-cv-00906 AWI JLT ORDER TO DEFENDANTS ELISEO JARA JR. AND SERGIO JARA TO SHOW CAUSE WHY ENTRY OF DEFAULT SHOULD NOT BE IMPOSED FOR THEIR FAILURE TO APPEAR IN THIS ACTION AND TO FILE A RESPONSIVE PLEADING

The USA initiated this action on June 23, 2016. (Doc. 1) The USA filed proof of service of the summonses and complaint on July 18, 2016. (Docs. 4, 5, 6) Nevertheless, Eliseo Jara, Jr. and Sergio Jara have not responded to the complaint. In the joint scheduling report, the government reports that Eliseo Jara, Jr. and Sergio Jara served answers on the government, but, it is apparent, neither defendant filed their answer in Court. Thus, they are in default.

The case is in the same posture as when it was supposed to be scheduled on October 4, 2016. (Doc. 8) Given this situation, the Court will be unable, once again, to schedule this case on November 23, 2016, as planned. Id. Therefore, the Court **ORDERS**:

1. The scheduling conference is **CONTINUED** to **December 28, 2016** at 9:00 a.m. before Judge Thurston at the United States Courthouse located at 510 19th Street, Bakersfield, CA[1];

[1] In the event Eliseo Jara, Jr. and Sergio Jara wish to appear at the conference by telephone, no later than **November 30, 2016**, they SHALL file a request asking the Court issue a writ ad testificandum to allow them to appear by telephone.

2. **No later than November 30, 2016**, Eliseo Jara, Jr. and Sergio Jara **SHALL** show cause in writing why default should not be entered against them for their failure to appear in this action and for their failure to **file** a responsive document. Alternatively, they may file their responsive document no later than November 30, 2016.

Eliseo Jara, Jr. and Sergio Jara are advised that their failure to comply with this order will result in the entry of default.

IT IS SO ORDERED.

Dated: **November 16, 2016**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE