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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JORGE NEGRETE,
Plaintiff,
v.
LINDA LEE CURKAN,
Defendant.

Case No. 1:16-cv-00956-LJO-MJS
ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR FAILURE
TO SERVE DEFENDANT
ORDER VACATING APRIL 21, 2017
MANDATORY SCHEDULING CONFERENCE
FOURTEEN (14) DAY DEADLINE

Plaintiff Jorge Negrete initiated this action on July 5, 2016 against Defendant Linda Lee Curkan. (ECF No. 1.) A summons issued the same day. (ECF No. 2.) An initial scheduling conference was set. (ECF No. 3.) The scheduling conference was continued several times due to Plaintiffs' apparent failure to serve Defendants. (ECF Nos. 4, 5, 6.) Plaintiff was reminded of the obligation to serve Defendant in compliance with Federal Rule of Civil Procedure 4(m). (Id.) To date, the docket reflects no efforts to serve Defendant.

Federal Rule of Civil Procedure 4(m) provides, in pertinent part: "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 prejudice against that

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

4 Here, service of the complaint is more than 180 days overdue. Accordingly, it is
5 HEREBY ORDERED that, within **fourteen days** of the date of this order, Plaintiff shall
6 either serve Defendant or show cause why this action should not be dismissed without
7 prejudice for failure to serve Defendant in compliance with Rule 4(m). In light of the
8 status of this case, the mandatory scheduling conference is HEREBY VACATED and will
9 be reset, if necessary, following Plaintiff’s response to this order.

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11 IT IS SO ORDERED.

12 Dated: April 5, 2017

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