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

ISSAM ELIE KNICKERBOCKER,	)	Case No.: 1:16-cv-01811 DAD JLT
Plaintiff,	)	
v.	)	ORDER TO PLAINTIFF TO SHOW CAUSE WHY
	)	THE MATTER SHOULD NOT BE DISMISSED
UNITED STATES OF AMERICA, et al.,	)	FOR FAILURE TO PROSECUTION THIS
Defendants.	)	ACTION AND TO COMPLY WITH COURT
	)	ORDERS
	)	
	)	

On December 1, 2016, Plaintiff filed the instant action. (Doc. 1) On December 5, 2016, the Court issued the summonses (Doc. 3) and its order setting the mandatory scheduling conference to occur on March 6, 2017. (Doc. 4) In its order setting the mandatory scheduling conference, the Court advised counsel:

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. 3 at 1-2, emphasis added) Nevertheless, Plaintiff has not filed proofs of service of the summons and complaint and no defendant has appeared in the action. Moreover, Fed. R. Civ. P. 4(m) requires the plaintiff to serve all defendants within 90 days upon pain of dismissal sua sponte. Therefore, the

1 Court **ORDERS**,

2 1. No later than March 10, 2017, the plaintiff SHALL show cause in writing why this  
3 matter should not be dismissed for his failure to prosecute this action, to comply with the Court's  
4 orders and to comply with Fed. R. Civ. P. 4(m);

5 3. The scheduling conference, currently set on March 6, 2017, is continued to **April 24,**  
6 **2017** at 8:30 a.m. the United States Courthouse at 510 19<sup>th</sup> Street, Bakersfield, CA.

7 **Failure to comply may result in the imposition of sanctions, including the dismissal of the**  
8 **action.**

9  
10 IT IS SO ORDERED.

11 Dated: **February 15, 2017**

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