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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHNSTON FARMS,

Plaintiff,

v.

FRESH GROWERS DIRECT, INC. et al.,

Defendants.

Case No. 1:17-cv-00016-LJO-SKO

**ORDER TO SHOW CAUSE WHY
THIS CASE SHOULD NOT BE
RECOMMENDED FOR DISMISSAL**

(Doc. 11)

_____ /

On January 4, 2017, Plaintiff filed a complaint alleging violations of the Perishable Agricultural Commodities Act of 1930, 7 U.S.C. § 499 et seq. (“PACA”), and state law claims against Defendants Fresh Growers Direct, Inc., Yuval Yusufov, and Gill Goldman. (Doc. 1.) Defendant Yuval Yusufov was served with the Complaint on March 21, 2017 (Doc. 6), and default was entered against him on May 31, 2017. (Doc. 10.)

On May 31, 2017, the Court ordered Plaintiff, by June 16, 2017, to file proofs of service of the complaint as to Defendants Fresh Growers Direct, Inc. and Gill Goldman, or a status report indicating whether Plaintiff intends to continue to prosecute this case against these unserved defendants. (Doc. 11.) The Court further ordered Plaintiff to file its motion for default judgment

1 as to Defendant Yuval Yusufov within 21 days of entry of the order. (*Id.*) To date, no proof of
2 service, status report, or motion for default judgment has been filed.

3 Accordingly, the Court ORDERS that, by no later than July 18, 2017, Plaintiff shall file a
4 statement showing cause why the Court should not recommend to the presiding district court
5 judge that this action be dismissed for failure to comply with the Court's May 31, 2017 order and
6 for want of prosecution. The Court further CAUTIONS Plaintiff that, if it fails to file this
7 statement by July 18, 2017, the Court will recommend to the presiding district court judge that this
8 action be dismissed, in its entirety.

9 Finally, the Scheduling Conference currently set for July 25, 2017 at 11:00 a.m. is hereby
10 VACATED, to be reset, if necessary, upon receipt of Plaintiff's response to this order to show
11 cause.

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13 IT IS SO ORDERED.

14 Dated: July 11, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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