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

DAWN MIGHACCIO,	)	Case No.: 1:17-cv-00687 LJO JLT
Plaintiffs,	)	
v.	)	ORDER TO PLAINTIFF TO SHOW CAUSE WHY
	)	SANCTIONS SHOULD NOT BE IMPOSED FOR
HTFILED PORTFOLIO GROUP, LLC, et al.,	)	THE FAILURE TO COMPLY WITH THE
Defendants.	)	COURT’S ORDERS AND TO PROSECUTE THIS
	)	ACTION; ORDER CONTINUING SCHEDULING
	)	CONFERENCE

Dawn Mighaccio filed this action on May 18, 2017. (Doc. 1) The next day, the Court issued the summonses (Doc. 2) and its order setting the mandatory scheduling conference to occur on August 16, 2017. (Doc. 3) 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) In addition, Federal Rules of Civil Procedure 4(m) provides, 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 defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for

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service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1).

Nevertheless, Plaintiff has not filed a proof of service of the summons and complaint as to any defendant. Therefore, the Court **ORDERS**,

1. **No later than August 11, 2017**, the plaintiff **SHALL** show cause why sanctions should not be imposed for the failure to serve and file proofs of service on the defendants.

Alternatively, the plaintiff may file proofs of service;

2. Due the failure of the plaintiff to serve the summonses and complaint, the scheduling conference, currently set on August 16, 2017 is **CONTINUED** to **September 29, 2017** at 8:30 a.m.

**Plaintiff is reminded of the service obligations under Fed. R. Civ. P. 4. Failure to comply may result in the imposition of sanctions, including the dismissal of unserved defendants.**

IT IS SO ORDERED.

Dated: **August 2, 2017**

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