2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 MICHAEL ALEXANDER JACKSON, Case No.: 1:17-cv-00748 DAD JLT 12 Plaintiffs. ORDER TO PLAINTIFF TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED FOR 13 v. THE FAILURE TO COMPLY WITH THE COURT'S ORDERS AND TO PROSECUTE THIS 14 COUNTY OF KERN, et al., ACTION; ORDER CONTINUING SCHEDULING 15 Defendants. **CONFERENCE** 16 17 Michael Jackson filed this action on May 31, 2017. (Doc. 1) The same day, the Court issued 18 the summonses (Docs. 4, 5) and its order setting the mandatory scheduling conference to occur on 19 August 15, 2017. (Doc. 6) In its order setting the mandatory scheduling conference, the Court advised counsel: 20 The Court is unable to conduct a scheduling conference until defendants have been 21 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 22 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 23 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 24 defendants. 25 26 (Doc. 6 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 27 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. 28 But if the plaintiff shows good cause for the failure, the court must extend the time for

1 2	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 $4(j)(1)$.
3	Nevertheless, Plaintiff has not filed a proof of service of the summons and complaint as to any
4	defendant. Therefore, the Court ORDERS ,
5	1. No later than August 11, 2017, the plaintiff SHALL show cause why sanctions
6	should not be imposed for the failure to serve and file proofs of service on the defendants.
7	Alternatively, the plaintiff may file proofs of service;
8	2. Due the failure of the plaintiff to serve the summonses and complaint, the scheduling
9	conference, currently set on August 15, 2017 is CONTINUED to September 29, 2017 at 8:30 a.m.
10	Plaintiff is reminded of the service obligations under Fed. R. Civ. P. 4. Failure to comply
11	may result in the imposition of sanctions, including the dismissal of unserved defendants.
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13	IT IS SO ORDERED.
14	Dated: August 2, 2017 /s/ Jennifer L. Thurston
15	UNITED STATES MAGISTRATE JUDGE
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