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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 RICARDO TORRES,

12 Plaintiff,

13 v.

14 LA FAVORITA BROADCASTING, INC. et
15 al.,

16 Defendants.

Case No. 1:17-cv-00888-LJO-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO COMPLY WITH FED. R. CIV.
P. 4(m)

FIVE DAY DEADLINE

17 Plaintiff Ricardo Torres filed this action against Defendants La Favorita Broadcasting,
18 Inc.; La Favorita Radio Network, Inc.; Kafy, Inc.; KBYN, Inc.; KCFA, Inc.; KNTO, Inc.; Nelson
19 F. Gomez; and Debbie L. Gomez on July 6, 2017. (ECF No. 1.) On this same date, summonses
20 for the defendants and new civil case documents issued. (ECF Nos. 2, 3, 4.)

21 Pursuant to the Rule 4 of the Federal Rules of Civil Procedure, “[i]f a defendant is not
22 served within 90 days after the complaint is filed, the court—on motion or on its own after notice
23 to the plaintiff—must dismiss the action without prejudice against that defendant or order that
24 service be made within a specified time. But if the plaintiff shows good cause for the failure, the
25 court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

26 In the order setting the mandatory scheduling conference, Plaintiff was advised that he
27 was to promptly serve proof of service of the summons and complaint and the failure to timely
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1 serve may result in issuance of sanctions, including dismissal of unserved defendants. (ECF No.
2 4 at 1-2.) The time to serve the defendants in this action has passed and Plaintiff has not filed
3 proofs of service or requested an extension of the deadline to serve.

4 Accordingly, IT IS HEREBY ORDERED that within five (5) days from the date of entry
5 of this order, Plaintiff shall show cause in writing why this action should not be dismissed for
6 failure to comply with Rule 4(m) of the Rules of Civil Procedure.

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8 IT IS SO ORDERED.

9 Dated: October 13, 2017


UNITED STATES MAGISTRATE JUDGE

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