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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	KEVIN BARNES,) Case No.: 1:17-cv-1006 - LJO - JLT	
12	Plaintiffs,	ORDER CONTINUING THE SCHEDULING CONFERENCE TO DECEMBER 15, 2017	
13	v.)	
14	UNION PACIFIC RAILROAD COMPANY,		
15	Defendants.))	
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17	Plaintiff initiated this action by filing a complaint on July 27, 2017. (Doc. 1) The Summons		
18	was issued on July 28, 2017, as were the new civil case documents. (Docs. 2-3) Notably, in the		
19	Court's "Order Setting Mandatory Scheduling	Conference," Plaintiff was informed:	
20	The Court is unable to conduct a scheduling conference until defendants have been served with the summons and complaint. Accordingly, plaintiff(s) shall diligently		
21	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		
22	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		
23	complaint.	, ₁	
24	(Doc. 3 at 1-2, emphasis added)		
25	In relevant part, Rule 4(m) of the Federal Rules of Civil Procedure provides that "[i]f		
26	defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own		
27	after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order		
28	that service be made within a specified time."	The deadline for service may be extended "if the	

1	plaintiff shows good cause for the failure" to serve within the specified time. <i>Id.</i> Plaintiff is now		
2	reminded of the obligation to diligently pursue service of the summons and complaint, and to		
3	demonstrate good cause if additional time is necessary to effect service. Failure to do so will result		
4	in the Court dismissing this action or dismissing any unserved defendants.		
5	Accordingly, the Court ORDERS that the Scheduling Conference currently set for October		
6	26, 2017 is CONTINUED to December 15, 2017 at 9:00 a.m .		
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8	IT IS SO ORDERED.		
9	Dated: October 12, 2017 /s/ Jennifer L. Thurston		
10	UNITED STATES MAGISTRATE JUDGE		
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