## 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 UNITED STATES OF AMERICA, Case No.: 1:17-cv-01502 LJO JLT 12 Plaintiff. 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 MICHELLE WATSON, ACTION; ORDER CONTINUING SCHEDULING 15 Defendant. **CONFERENCE** 16 17 The plaintiff filed this action on November 8, 2017. (Doc. 1) The same day, the Court issued 18 the summons (Doc. 3) and its order setting the mandatory scheduling conference to occur on February 19 1, 2018. (Doc. 4) 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 20 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 21 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 22 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. 23 24 (Doc. 4 at 1-2, emphasis added) In addition, Federal Rules of Civil Procedure 4(m) provides, 25 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 26 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 27 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(i)(1). 28

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