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

THERESA A. BROOKE,

 Plaintiffs,

 v.

APRIL MOTEL, LLC,

 Defendant.

Case No. 1:18-cv-00062 LJO JLT

**ORDER TO THE PLAINTIFF TO SHOW
CAUSE WHY SANCTIONS SHOULD NOT
BE IMPOSED FOR HER FAILURE TO
PROSECUTE THIS ACTION AND TO
OBEY THE COURT’S ORDERS**

The plaintiff filed this action on January 12, 2018. (Doc. 1) On January 16, 2018, the Court issued the summonses (Doc. 2) and its order setting the mandatory scheduling conference to occur on April 18, 2018. (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 service for an appropriate period. This subdivision (m) does not apply to

1 service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1).

2 Nevertheless, Plaintiff has not filed a proof of service of the summons and complaint. Therefore,
3 the Court **ORDERS**,

4 1. **No later than April 16, 2018**, the plaintiff **SHALL** show cause why sanctions
5 should not be imposed for the failure to serve and file proofs of service on the defendants.
6 Alternatively, the plaintiff may file proofs of service;

7 2. Due the failure of the plaintiff to serve the summons and complaint, the scheduling
8 conference, currently set on April 16, 2018 is **CONTINUED** to **May 22, 2018** at 8:30 a.m.

9 **The plaintiffs are reminded of the service obligations under Fed. R. Civ. P. 4.**
10 **Failure to comply may result in the imposition of sanctions, including the dismissal of the**
11 **action.**

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13 IT IS SO ORDERED.

14 Dated: **April 9, 2018**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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