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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 FRANCISCO ALANIZ, et al.,) Case No.: 1:18-cv-00205 LJO JLT
12 Plaintiffs,)
13 v.) ORDER TO PLAINTIFF TO SHOW CAUSE WHY
14 EQUISOLAR, INC.,) SANCTIONS SHOULD NOT BE IMPOSED FOR
15 Defendants.) THE FAILURE TO COMPLY WITH THE
16) COURT'S ORDERS AND TO PROSECUTE THIS
17) ACTION; ORDER CONTINUING SCHEDULING
18) CONFERENCE
19)
20)

21 On February 8, 2018, the plaintiff initiated this action for declaratory relief. (Doc. 1) The next
22 day, the Court issued the summonses (Doc. 2) and its order setting the mandatory scheduling
23 conference to occur on May 7, 2018. (Doc. 3) In its order setting the mandatory scheduling
24 conference, the Court advised counsel:

25 The Court is unable to conduct a scheduling conference until defendants have been served with
26 the summons and complaint. Accordingly, plaintiff(s) shall diligently pursue service of
27 summons and complaint and dismiss those defendants against whom plaintiff(s) will not
28 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) Despite this, the plaintiffs have not filed proofs of service of the
summons and complaint and no defendant has appeared in the action. Therefore, the Court **ORDERS**,

1. **No later than May 7, 2018**, the plaintiffs **SHALL** show cause why sanctions should
not be imposed for the failure to serve the summonses and complaint and file proofs of service.

Alternatively, the plaintiff may file proofs of service;

2. Due the failure of the defendant to appear and the lack of proofs of service which would prevent entry of default, the scheduling conference is **CONTINUED** to **June 25, 2018** at 8:15 a.m.

Plaintiff is reminded of the service obligations under Fed. R. Civ. P. 4. Failure to comply may result in the imposition of sanctions, including the Court sua sponte dismissing unserved defendants.

IT IS SO ORDERED.

Dated: **April 27, 2018**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE