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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN DOE,
Plaintiff,
v.
UNITED STATES,
Defendant.

Case No. 1:20-cv-01052-NONE-SAB
ORDER REQUIRING PLAINTIFF TO FILE
NOTICE OF STATUS OF SERVICE
DEADLINE: OCTOBER 16, 2020

John Doe (“Plaintiff”), a federal prisoner, filed this action pursuant to the Federal Tort Claims Act alleging claims of negligence on July 29, 2020. (ECF No. 1.) On July 30, 2020, the summons and the order setting the mandatory scheduling conference issued. (ECF Nos. 6, 7.) The mandatory scheduling conference is set for October 29, 2020. (ECF No. 6.) Pursuant to the order setting the mandatory scheduling conference, Plaintiff was ordered to diligently pursue service of the summons and complaint in compliance with Rule 4 of the Federal Rules of Civil Procedure and promptly file a proof of service. (Id. at 1.) Plaintiff was advised that the failure to timely serve the complaint may result in the imposition of sanctions, including dismissal of the unserved defendant. (Id. at 1-2.)

Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure,

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

1 specified time. But if the plaintiff shows good cause for the failure, the court must
2 extend the time for service for an appropriate period.

3 Here, the time for service to be effected is quickly approaching and the mandatory
4 scheduling conference is set for October 29, 2020, but Plaintiff has yet to file proof that that
5 complaint in this action has been served.

6 Accordingly, IT IS HEREBY ORDERED that, on or before **October 16, 2020**, Plaintiff
7 shall file notice of the status of service on the defendants in this action. Plaintiff is advised that
8 failure to comply with this order may result in the issuance of sanction, up to and including
9 dismissal of this action.

10 IT IS SO ORDERED.

11 Dated: **October 14, 2020**

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14 UNITED STATES MAGISTRATE JUDGE
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