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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 WENDY WARSHAUER) Case No.: 1:21-cv-00174 NONE JLT
12 Plaintiffs,)
13 v.) ORDER TO PLAINTIFF TO SHOW CAUSE WHY
14 DERMASET INC.,) SANCTIONS SHOULD NOT BE IMPOSED FOR
15 Defendant.) THE FAILURE TO COMPLY WITH THE
16) COURT'S ORDERS AND TO PROSECUTE THIS
) ACTION; ORDER CONTINUING SCHEDULING
) CONFERENCE
)

17 The plaintiff initiated this action on February 11, 2021. (Doc. 1) The Clerk of Court issued
18 summons the next day (Doc. 3) The order setting the mandatory scheduling conference reads,

19 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
21 summons and complaint and dismiss those defendants against whom plaintiff(s) will not
22 pursue claims. Plaintiff(s) shall promptly file proofs of service of the summons and complaint
23 so the Court has a record of service. Counsel are referred to F.R.Civ.P., Rule 4 regarding the
24 requirement of timely service of the complaint Failure to timely serve the summons and
25 complaint may result in the imposition of sanctions, including the dismissal of unserved
26 defendants.

27 (Doc. 4 at 1) However, the plaintiff has not filed proofs of service, and no defendant has appeared in
28 the action. Therefore, the Court **ORDERS**,

1. **No later than May 10, 2021**, the plaintiff **SHALL** show cause why sanctions should
not be imposed for the failure to prosecute this action and to serve the summons and complaint in a
timely fashion as ordered. Alternatively, the plaintiff may file proofs of service demonstrating the

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2. The scheduling conference is **CONTINUED** to **July 12, 2021** at 8:30 a.m.

Failure to respond may result in the Court recommending dismissal of the action.

IT IS SO ORDERED.

Dated: **April 27, 2021**

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE