

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JANE DOE,

Plaintiff,

V.

DERRAL ADAMS, et al.,

## Defendants.

Case No. 1:21-cv-01103-NONE-SAB

**ORDER REQUIRING PLAINTIFF TO FILE  
STATUS REPORT**

## FIVE DAY DEADLINE

This action was filed on July 26, 2021. (ECF No. 1.) Summons were issued on the same date. (ECF Nos. 3, 4.) The only summons returned executed thus far pertains to Defendant Timothy Beach. (ECF No. 8.) On August 19, 2021, the Court extended the time for Timothy Beach to file a responsive pleading until October 14, 2021. (ECF No. 9.) On October 3, 2021, the Court granted a stipulated request to continue the scheduling conference until December 7, 2021. (ECF No. 11.) In the October 13, 2021 order, the Court reminded Plaintiff that the deadline to complete service under Federal Rule of Civil Procedure 4(m) was nearly expired. On October 15, 2021, the Court granted Defendant Timothy Beach's unopposed motion to extend the time to file a responsive pleading until November 11, 2021, and again reminded Plaintiff of the approaching deadline under Rule 4(m). (ECF No. 13.)

The deadline for Defendant Timothy Beach to file a responsive pleading has expired, and no further motion or stipulation to extend the time has been filed, and no request for entry of

1 default has been filed. Additionally, no executed summonses have yet to be filed demonstrating  
2 service as to the remaining Defendants in this action, and the deadline to do so has expired. See  
3 Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the  
4 court--on motion or on its own after notice to the plaintiff--must dismiss the action without  
5 prejudice against that defendant or order that service be made within a specified time.”). The  
6 Court finds that it does not serve the interest of judicial economy to hold the mandatory  
7 scheduling conference unless the Defendant has filed a responsive pleading and the parties are  
8 ready to proceed into scheduling.

9 Accordingly, IT IS HEREBY ORDERED that within **five (5) days** of the date of entry of  
10 this order, Plaintiff shall file a status report regarding Defendant Timothy Beach or a request for  
11 entry of default against Defendant Timothy Beach, as well as a status report informing the Court  
12 of the status of service on the remaining Defendants in this action. Plaintiff is advised that  
13 failure to comply with this order may result in the issuance of sanctions, up to and including  
14 dismissal of this action, as well as a recommendation of dismissal of the unserved Defendants  
15 pursuant to Federal Rule of Civil Procedure 4(m).

16  
17 IT IS SO ORDERED.

18 Dated: November 19, 2021



---

UNITED STATES MAGISTRATE JUDGE

19  
20  
21  
22  
23  
24  
25  
26  
27  
28