

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FERNANDO GASTELUM,

Plaintiff,

v.

NORTHWEST TARGET LLC,

Defendant.

) Case No.: 1:21-cv-1330 AWI JLT

) ORDER TO THE PLAINTIFF TO SHOW CAUSE
) WHY SANCTIONS SHOULD NOT BE IMPOSED
) FOR FAILURE TO PROSECUTE THIS ACTION
) AND COMPLY WITH THE COURT'S ORDERS;
) ORDER CONTINUING THE SCHEDULING
) CONFERENCE

The plaintiff initiated this action on September 3, 2021. (Doc. 1) The Clerk of Court issued the summons on September 8, 2021 and the order setting the mandatory scheduling conference (Docs. 2, 3) The order setting the mandatory scheduling conference reads,

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 the summons and complaint may result in the imposition of sanctions, including the dismissal of unserved defendants.

(Doc. 3 at 1) Though the plaintiff has not filed a proof of service, the parties stipulated to allow the defendant an extension of time to November 1, 2021 to file the responsive pleading. The defendant has not filed a responsive pleading and the plaintiff has not sought default. Therefore, the Court **ORDERS**:

1. **No later than December 3, 2021,** the plaintiff **SHALL** show cause why sanctions

1 should not be imposed for the failure to prosecute this action and to serve the summons and complaint
2 in a timely fashion as ordered. Alternatively, the plaintiff may file a proof of service demonstrating the
3 summons and complaint has been served

4 2. The scheduling conference is **CONTINUED** to **January 10, 2022 at 8:30 a.m.**

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

6
7 IT IS SO ORDERED.

8 Dated: **November 17, 2021**

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