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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

JEFFREY CARTER,  
  
                                Plaintiff,  
  
                                v.  
  
WILLARD L. JACKSON, et al.,  
  
                                Defendants.

Case No. 1:23-cv-01775-KES-SAB  
  
ORDER REQUIRING PLAINTIFF TO FILE  
STATUS REPORT AND CONTINUING THE  
MANDATORY SCHEDULING CONFERENCE  
TO MAY 30, 2024  
  
(ECF No. 3)  
  
**DEADLINE: APRIL 2, 2024**

Plaintiff initiated this action on December 27, 2023 against Defendants Willard L. Jackson, Nicole T. Birch, Vicent Petrescu, 420 Real Estate, LLC, Trucrowd Inc., Transatlantic Real Estate, LLC, and Bangi Inc. (ECF No. 1.) The Court notes Plaintiff subsequently filed two amended complaints. (ECF Nos. 4, 7.) Plaintiff’s first amended complaint, filed on December 28, 2023, added Defendant Robert S. Shumake. (ECF No. 5.) Plaintiff has filed proofs of service for only two of eight Defendants: Vicent Petrescu (ECF No. 12 at 1-4, 13) and Trucrowd, Inc. (ECF No. 12-1 at 1-3.). Only Defendant Petrescu has appeared.<sup>1</sup> (See ECF No. 7.) The mandatory scheduling conference is currently set for April 9, 2024. (ECF No. 3.)

Rule 4(m) provides that “[i]f 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

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<sup>1</sup> The Court notes Defendant Petrescu’s responsive pleading is primarily a request for an extension of time to respond to allegations in Plaintiff’s complaint to allow time to procure counsel; however, no proper motion requesting such extension has been filed pursuant to Local Rule 144(a). (See ECF No. 7.)

1 without prejudice against that defendant or order that service be made within a specified time.”  
2 Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend  
3 the time for service for an appropriate period.” Id. The order setting the scheduling conference in  
4 this matter additionally provides that: “plaintiff shall diligently pursue service of the summons  
5 and complaint and dismiss those defendants against whom the plaintiff will not pursue claims . .  
6 .[and] plaintiff shall promptly file proofs of service of the summons and complaint so the Court  
7 has a record of service.” (ECF No. 3 at 1.) “Failure to timely serve the summons and complaint  
8 may result in the imposition of sanctions, including dismissal of unserved defendants.” (Id. at 2.)

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff shall file a status report **no later than April 2, 2024** addressing (1) the  
11 status of this action, including the status of any appropriate requests for entry of  
12 default, and (2) whether Defendants Willard L. Jackson, Nicole T. Birch, 420 Real  
13 Estate, LLC, Transatlantic Real Estate, LLC, Bangi Inc., and Robert S. Shumake  
14 have been served or shall be dismissed from this action;
- 15 2. The initial scheduling conference is CONTINUED to **May 30, 2024 at 2:30 p.m.,**  
16 **in Courtroom 9** and the parties shall file a joint scheduling report at least **seven**  
17 **(7) days** prior to the scheduling conference; and
- 18 3. Failure to comply with this order may result in the issuance of sanctions, up to and  
19 including dismissal of this action.

20 IT IS SO ORDERED.

21 Dated: **March 28, 2024**

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24 UNITED STATES MAGISTRATE JUDGE