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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 LUZ DUNN,

11 Plaintiff,

No. CIV S-07-1815 FCD KJM PS

12 vs.

13 MICHAEL CHERTOFF,

14 Defendant.

ORDER

15 _____/
16 A status conference was held in this matter on January 30, 2008 before the
17 undersigned. Plaintiff appeared telephonically in propria persona.¹ No appearance was made for
18 defendant. Upon consideration of the file in this action, discussion with plaintiff and good cause
19 appearing therefor, THE COURT FINDS AS FOLLOWS:

20 This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21).
21 Pursuant to Federal Rule of Civil Procedure 4(m), the court may dismiss an action where service
22 of summons is not made within 120 days after the filing of the complaint. In the order setting
23 status conference, filed September 5, 2007, plaintiff was cautioned that this action may be
24 dismissed if service was not timely completed. This action was filed September 4, 2007 and no

25 _____
26 ¹ Plaintiff was advised at the status conference that no further telephonic appearances
from out of the country will be permitted.

1 proof of service of summons has been filed. Although plaintiff represented at the status
2 conference that defendant has been served, no documents have been filed reflecting such proof of
3 service of summons.

4 Accordingly, IT IS HEREBY ORDERED that within thirty days from the date of
5 this order plaintiff shall file proof of service of summons. Failure to comply with this order shall
6 result in a recommendation that this action be dismissed.

7 DATED: February 5, 2008.

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9 
10 U.S. MAGISTRATE JUDGE

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