

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

LUZ DUNN,

Plaintiff, No. CIV S-07-1815 FCD KJM PS

VS.

MICHAEL CHERTOFF,

Defendant. ORDER

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

This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21).

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

<sup>1</sup> 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 this order plaintiff shall file proof of service of summons. Failure to comply with this order shall  
5 result in a recommendation that this action be dismissed.

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7 DATED: February 5, 2008.

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11 U.S. MAGISTRATE JUDGE  
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