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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CHARLES BOYKIN, dba WESTERN
RANCH & PET SUPPLY,

NO. CIV. S-09-0071 FCD DAD

Cross-Claimant,

ORDER AND ORDER TO SHOW CAUSE

v.

JOHN P. DOLAN, individually,
and dba JP DOLAN LUMBER
COMPANY,

Cross-Defendant.

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Cross-Claimant filed a Cross-Complaint on May 11, 2009. On May 12, 2009, the Court issued a Summons as to Cross-Defendant John P. Dolan. The Court's Order Requiring a Joint Status Report filed on January 9, 2009 required: (1) that service of process on all parties to be completed within one hundred and twenty (120) days of the date of the filing of the complaint; and (2) that a joint status report to be filed within sixty (60) days of service of the complaint on all parties, or from the date of removal and that the parties shall confer as required by Fed. R. Civ. P. 26(f) and the joint status report include the Rule 26(f) discovery plan.

1 On April 26, 2010, Cross-Claimant filed a status report
2 which requested an additional 45 days to report back to the Court
3 regarding further status. As of today's date, no further status
4 report has been filed with the Court.

5 Accordingly, the Court makes the following orders:

6 1. Cross-Claimant's counsel, Ms. Teresa A. Cunningham, is
7 ordered to show cause why cross-claimant's complaint should not
8 be dismissed for failure effectuate service and for failure to
9 prosecute.

10 2. Cross-Claimant's counsel shall file a response to the
11 order to show cause on or before July 30, 2010.

12 3. A hearing on this order to show cause is set for
13 Friday, August 6, 2010 at 10:00 a.m.

14 IT IS SO ORDERED.

15 DATED: July 9, 2010

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FRANK C. DAMRELL, JR.
20 UNITED STATES DISTRICT JUDGE
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