

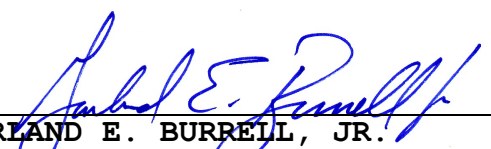
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLOS PERFINO and JESS)	
ZURANICH,)	
Plaintiffs,)	2:09-cv-00833-GEB-KJM
)	
v.)	<u>RULE 4 (M) NOTICE</u>
)	
STEVE HARDY, DIRECTOR; ELIZABETH)	
GAVIA; LORI AJAX; JUAN G. AYALA;)	
and HERBITO GARCIA,)	
)	
Defendants.)	
)	

It has come to the Court's attention that the parties' in the joint status report filed June 15, 2009 did not address whether Defendants Juan G. Ayala and Herbito Garcia have been served since Plaintiffs' filed their original complaint on March 26, 2009. The scheduling order issued based on the premise that these individuals are parties in this case. Plaintiffs are **hereby notified under Rule 4(m) that Juan G. Ayala and Herbito Garcia will be dismissed as defendants in this action under Rule 4(m)'s prescription that all defendants be served with process within the 120 day period unless Plaintiffs provide proof of service and/or "show good cause for the failure" to serve within this prescribed period in a filing due no later than 4:00 p.m. on January 13, 2010.**

Dated: January 8, 2010



 GARLAND E. BURRELL, JR.
 United States District Judge