

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 KEVIN M. THOMPSON,

11 Plaintiff,

No. CIV S-09-1168 LKK EFB PS

12 vs.

13 UNITED TRANSPORTATION UNION;  
14 MALCOLM B. FUTHEY; ALBERT L.  
15 SUOZZO; FRANKLIN J. SEEGBILLER;  
and DOES 1-15,

16 Defendants.

ORDER TO SHOW CAUSE

17 This case is before the undersigned pursuant to E.D. Cal. Local Rule 72-302(c)(21). *See*  
18 28 U.S.C. § 636(b)(1). Plaintiff initiated this action by filing a complaint and paying the filing  
19 fee on April 29, 2009. Dckt. No. 1. On that same date, the court issued its initial scheduling  
20 order. Dckt. No. 3. That order set a scheduling conference for September 2, 2009, and directed  
21 plaintiff to complete service of process within 120 days. *See* Fed. R. Civ. P. 4(m). The order  
22 further directed the parties to file status reports by no later than fourteen days prior to the  
23 September 2, 2009 scheduling conference (by August 19, 2009), and cautioned the parties that  
24 failure to obey the federal or local rules or orders of the court could result in sanctions, including  
25 a recommendation that the case be dismissed.

26 ///

1 Plaintiff has not filed a status report and has not yet effected service of process on  
2 defendants. Accordingly, plaintiff is ordered to show cause in writing on or before September 9,  
3 2009, why this case should not be dismissed for failure to follow court orders and, if service has  
4 not been effected by August 27, 2009, for failure to effect service of process within the time  
5 prescribed by Rule 4(m). Fed. R. Civ. P. 4(m); E.D. Cal. L.R. 11-110. Failure to timely comply  
6 with this order will result in a recommendation that this action be dismissed for lack of  
7 prosecution.

8 Additionally, the September 2, 2009 status (pretrial scheduling) conference is vacated  
9 pending plaintiff's response to this order to show cause. The court will reset a status conference  
10 as it deems appropriate.

11 SO ORDERED.

12 DATED: August 24, 2009.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE