

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,	)	
	)	2:09-cv-01548-GEB-GGH
Plaintiff,	)	
	)	
v.	)	<u>ORDER CONTINUING STATUS</u>
	)	<u>(PRETRIAL SCHEDULING)</u>
VICTOR LEONARDINI, Trustee,	)	<u>CONFERENCE;</u>
	)	<u>FED. R. CIV. P. 4(m) NOTICE</u>
Defendants.	)	
	)	

17 Plaintiff filed a Status Report on August 10, 2009, in which  
18 he indicates this case is not ready to be scheduled. Therefore, the  
19 Status (Pretrial Scheduling) Conference scheduled on August 24, 2009,  
20 is continued to October 19, 2009, at 9:00 a.m. A further joint status  
21 report shall be filed no later than fourteen days prior to the  
22 hearing.<sup>1</sup>

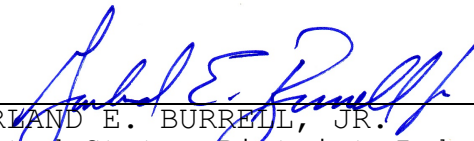
23 Further, Plaintiff is **notified under Rule 4(m)** of the  
24 Federal Rules of Civil Procedure **that any defendant not served with**  
25 **process within the 120 day period prescribed in that Rule will be**  
26

27 <sup>1</sup> The failure of one or more of the parties to  
28 participate in the preparation of the Joint Status Report does  
not excuse the other parties from their obligation to timely file  
a status report in accordance with this Order. In the event a  
party fails to participate as ordered, the party timely  
submitting the status report shall include a declaration  
explaining why it was unable to obtain the cooperation of the  
other party or parties.

1 dismissed as a defendant in this action unless Plaintiff provides  
2 proof of service and/or "shows good cause for the failure" to serve  
3 within this prescribed period in a filing due no later than 4:00 p.m.  
4 on October 5, 2009.

5 IT IS SO ORDERED.

6 Dated: August 18, 2009

7  
8   
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
GARLAND E. BURRELL, JR.  
United States District Judge