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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA

7 SCOTT JOHNSON,)
8 Plaintiff,) 2:09-cv-01763-GEB-DAD
9 v.) ORDER CONTINUING STATUS
10 ROBERT M. ALEXANDER; DAVID W.) (PRETRIAL SCHEDULING)
11 WISTROM; FLG HOLDINGS, LLC; ANDREW) CONFERENCE; FED. R. CIV.
12 M. HARRAGON; JOAN E. HARRAGON,) P. 4(m) NOTICE
13 Defendants.)
_____)

14 The parties' Status Report filed September 8, 2009,
15 reveals this case is not ready to be scheduled. Therefore, the
16 Status (Pretrial Scheduling) Conference set for September 21, 2009
17 is continued to November 30, 2009, at 9:00 a.m. A further joint
18 status report shall be filed no later than (14 days prior).¹

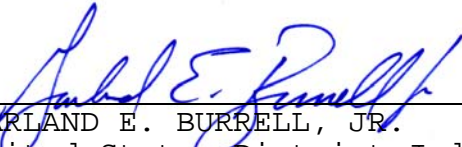
19 Further, Plaintiff is **notified under Rule 4(m)** of the
20 Federal Rules of Civil Procedure **that any defendant not served with**
21 **process within the 120 day period prescribed in that Rule will be**
22 **dismissed as a defendant in this action unless Plaintiff provides**
23 **proof of service and/or "shows good cause for the failure" to serve**
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26 _____
27 ¹ The failure of one or more of the parties to participate in
28 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 within this prescribed period in a filing due no later than 4:00
2 p.m. on October 26, 2009.

3 IT IS SO ORDERED.

4 Dated: September 18, 2009

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7 GARLAND E. BURRELL, JR.
8 United States District Judge
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