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

6 PATRICIA AHMADYAR, an individual, ) 2:09-cv-02063-GEB-EFB  
7 AHMAD AHMADYAR, an individual, )  
8 Plaintiffs, ) ORDER CONTINUING STATUS  
9 ) CONFERENCE and RULE 4(M)  
10 v. ) NOTICE  
11 )  
12 FIRST HORIZON HOME LOANS, a Texas )  
13 corporation and a division of First )  
14 Tennessee Bank National )  
15 Association, QUALITY LOAN SERVICE )  
16 CORPORATION, )  
17 Defendants. )  
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15 The status (pretrial scheduling) conference scheduled for  
16 October 19, 2009 is continued to November 16, 2009, commencing at 9:00  
17 a.m. This continuance is because the Status Report, which was filed  
18 one day late at the risk of invoking sanctions proceedings, reveals  
19 this case is not ready to be scheduled. That status report includes  
20 the statement: "all named defendants have been served." Yet only  
21 Defendant First Horizon Home Loans filed the status report. A joint  
22 status report shall be filed fourteen (14) days prior to the November  
23 16, 2009 status conference.

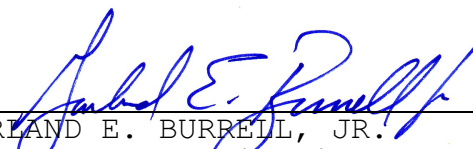
24 **Further, Plaintiff is notified under Rule 4(m) of the**  
25 **Federal Rules of Civil Procedure that any defendant not served with**  
26 **process within the 120 day period prescribed in that Rule will be**  
27 **dismissed as a defendant in this action, unless Plaintiff files a**  
28 **proof of service or shows "good cause" for the failure to serve**

1 **defendant within this prescribed period on or before 4:00 p.m. on**  
2 **October 19, 2009.**

3 If Plaintiff has served Defendant Quality Loan Service,  
4 Plaintiff shall explain in a filing due no later than 4:00 p.m. on  
5 October 19, 2009 how this action is being prosecuted against Defendant  
6 Quality Loan Service, and if it is not being prosecuted, why Defendant  
7 Quality Loan Service should not be dismissed for failure of  
8 prosecution.

9 Lastly, the Doe defendants are dismissed, since timely  
10 justification has not been filed warranting Doe defendant allegations  
11 remaining in this case. The caption is changed to reflect this  
12 dismissal.

13 Dated: October 13, 2009

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GARLAND E. BURRELL, JR.  
United States District Judge