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

GRANT S. PARKINSON et al.,

Plaintiffs,

No. CIV S-09-2257 DAD P

vs.

BUTTE COUNTY  
SHERIFF'S DEP'T et al.,

Defendants.

ORDER

Plaintiffs, Butte County Jail inmates, are proceeding through counsel with a civil rights action pursuant to 42 U.S.C. § 1983. On May 27, 2010, the court issued an order to show cause for plaintiffs' counsel's failure to file a status report in accordance with the court's February 11, 2010 order. In response, on May 29, 2010, plaintiffs' counsel filed a status report along with a written statement showing cause for the failure to previously file the required report. The court has reviewed plaintiffs' counsel's submissions, and good cause appearing, will discharge its May 27, 2010 order to show cause.

On June 15, 2010, defendants Butte County Sheriff's Department, Marten, and Jones filed their status report in accordance with the court's February 11, 2010 order. Therein, defendants alert the court that defendant California Forensic Medical Group has not yet filed its answer in this action. Although the Clerk of Court has issued a summons for that defendant, the

1 court is unaware, at this time, as to whether plaintiffs have served defendant California Forensic  
2 Medical Group.<sup>1</sup> Under Fed. R. Civ. P. 4(m), “the court – on motion or on its own after notice to  
3 plaintiff – must dismiss the action without prejudice against that defendant or order that service  
4 be made within a specified time” if “defendant is not served within 120 days after the complaint  
5 is filed.” Accordingly, the court will direct plaintiffs’ counsel to file a second status report for  
6 the purpose of explaining to the court whether defendant California Forensic Medical Group has  
7 been served.

8 In accordance with the above, IT IS HEREBY ORDERED that:

9 1. The court’s May 27, 2010 order to show cause (Doc. No. 12) is discharged;

10 and

11 2. Plaintiffs’ counsel shall file, within thirty days of the date of this order, a  
12 second status report explaining whether defendant California Forensic Medical Group has been  
13 served.

14 DATED: June 17, 2010.

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18 DALE A. DROZD  
19 UNITED STATES MAGISTRATE JUDGE

19 DAD:sj  
20 park2257.46(2)

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26 <sup>1</sup> The Clerk of Court issued summons for defendant California Forensic Medical Group  
on February 11, 2010. (See Doc. No. 10.)