

1

2

3

4

5

UNITED STATES DISTRICT COURT

6

FOR THE EASTERN DISTRICT OF CALIFORNIA

7

SCOTT N. JOHNSON,

8

NO. CIV. S-09-3285 LKK/EFB

9

Plaintiff,

10

v.

11

CARMASSI FAMILY LIMITED
PARTNERSHIP, a California
limited partnership,

12

13

O R D E R

14

Defendants.

15

On November 25, 2009, plaintiff filed a complaint against
defendant. A summons was issued the same day. The initial
scheduling conference for this case has been continued twice
because plaintiff has not yet served defendant. The conference is
now set for May 17, 2010. On May 7, 2010, plaintiff filed a status
report indicating that he has still not yet served defendant.

16

17

18

19

20

21

Pursuant to Fed. R. Civ. P. 4(m), "If a defendant is not
served within 120 days after the complaint is filed the court - on
motion or on its own after notice to the plaintiff - must dismiss
the action without prejudice against that defendant or order that
service be made within a specified time." Pursuant to this rule,
plaintiff should have served his complaint by March 25, 2010.

22

23

24

25

26

1 Plaintiff has not provided the court with any explanation for his
2 delay in serving defendant.

3 For the foregoing reasons the court orders as follows:

4 (1) Plaintiff must serve defendant within twenty-one (21)
5 days of the issuance of this order. Failure to do so,
6 without good cause, will result in dismissal of
7 plaintiff's complaint.

8 (2) The status conference scheduled for May 17, 2010 is
9 VACATED.

10 (3) The status conference is reset for July 19, 2010 at 1:30
11 p.m. Parties shall file status reports fourteen (14)
12 days prior to the status conference.

13 IT IS SO ORDERED.

14 DATED: May 11, 2010.

15

16

17

18

19

20

21


22

23

24

25

26


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT