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

RONALD WILKINSON,	)	
	)	2:09-cv-03386-GEB-KJM
Plaintiff,	)	
	)	<u>ORDER CONTINUING STATUS</u>
v.	)	<u>(PRETRIAL SCHEDULING)</u>
	)	<u>CONFERENCE</u>
M. CALLAGHAN & ASSOCIATES, LCC,	)	
	)	
Defendant.	)	
_____	)	

The Court was previously informed that a settlement was reached in this action. However, Plaintiff indicates in his Status Report filed on January 4, 2011, that this action is not settled, should be re-opened, and a hearing date set for "Plaintiff to file an entry of default against Defendant." (ECF No. 30, 2:5-8, 2:11-12.)

This action need not be "re-opened" because it has not been closed. If Plaintiff intends to prosecute this action as a default matter, he shall do what is necessary for that prosecution, including filing a motion for entry of default before the Magistrate Judge within thirty days of the date on which this order is filed. If Plaintiff fails to timely file the referenced default motion, Plaintiff shall show cause in a filing due no later than 4:00 p.m. on February 11, 2011, why this action should not be dismissed under Federal Rule of Civil Procedure 41(b) for failure of prosecution.

1           The status conference scheduled for January 18, 2011, is  
2 continued to commence at 9:00 a.m. on May 23, 2011. A status report  
3 shall be filed fourteen (14) days prior to the status conference in  
4 which Plaintiff is only required to explain the status of the default  
5 proceedings, unless other information is also pertinent to understanding  
6 the status of the action.

7           IT IS SO ORDERED.

8 Dated: January 10, 2011

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10 A handwritten signature in blue ink, appearing to read "Daniel E. Finnell".  
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