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

SUSAN LUDWIG,

Plaintiff,

No. CIV S-10-0325 JAM EFB PS

vs.

ADULT PROTECTIVE SERVICES OF  
SACRAMENTO COUNTY; VERNA  
MAGNUSON; UNIVERSITY OF  
CALIFORNIA DAVIS MEDICAL  
CENTER; McKINLEY HEALTH  
CENTER; CITY OF SACRAMENTO  
POLICE DEPARTMENT; A. CROSBY;  
MERCY HOSPITAL; and DOES 1-5,

ORDER

Defendants.

\_\_\_\_\_ /  
This case is before the undersigned pursuant to Local Rule 302(c)(21). *See* 28 U.S.C.  
636(b)(1). On June 2, 2010, because plaintiff had not filed a status report as ordered and because  
plaintiff had not yet shown that she had effected service of process on all of the defendants,<sup>1</sup> the  
undersigned continued the status conference in this action and ordered plaintiff to show cause  
why sanctions should not be imposed for failure to follow court orders and/or for failure to  
timely effect service of process under Federal Rule of Civil Procedure 4(m). Dckt. No. 6.

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<sup>1</sup> Defendant Adult Protective Services of Sacramento has filed an answer in this action.  
Dckt. No. 4.

1           Then, on June 7, 2010, plaintiff filed a motion for an extension of time to September 10,  
2 2010 to serve the remaining unserved defendants. Dckt. No. 7. On June 15, 2010, the court  
3 granted plaintiff's request and gave plaintiff until September 10, 2010 to serve the remaining  
4 unserved defendants and file a proof of such service with the court. Dckt. No. 8. The court also  
5 discharged the June 2, 2010 order to show cause and continued the status conference in this  
6 action to October 27, 2010. *Id.*

7           On September 10, 2010, plaintiff once again filed a motion for an extension of time to  
8 serve the remaining unserved defendants. Dckt. No. 9. Plaintiff states that "[d]ue to extenuating  
9 circumstances including Plaintiff's health, Plaintiff will be requesting additional time to serve  
10 pleadings and set conferences. Plaintiff will also supplement this request with additional  
11 information and dates within the next few days." *Id.*

12           Rule 4(m) provides that "[i]f service of the summons and complaint is not made upon a  
13 defendant within 120 days after the filing of the complaint, the court, upon motion or on its own  
14 initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that  
15 defendant or direct that service be effected within a specified time; provided that if the plaintiff  
16 shows good cause for the failure, the court shall extend the time for service for an appropriate  
17 period." Here, although plaintiff did not supplement her request, as indicated, the court finds  
18 that plaintiff has shown good cause for an extension of time, up to November 10, 2010, to serve  
19 the remaining unserved defendants. However, plaintiff is warned that no further extensions of  
20 time to serve will be granted.

21           Accordingly, IT IS HEREBY ORDERED that:

- 22           1. Plaintiff's motion for an extension of time to serve, Dckt. No. 9, is granted;  
23           2. Plaintiff shall have until November 10, 2010 to serve the remaining unserved  
24 defendants and file a proof of such service with the court;

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1           3. The status conference currently set for October 27, 2010 is continued to January 5,  
2 2011, at 10:00 a.m. in Courtroom No. 24;

3           4. By December 22, 2010, the parties shall file status reports (or a joint status report)  
4 setting forth the matters referenced in the court's February 8, 2010 order, including the status of  
5 service of process;<sup>2</sup> and

6           5. Failure to comply with this order may result in the imposition of sanctions, including a  
7 recommendation that this action be dismissed for lack of prosecution. *See* Fed. R. Civ. P. 41(b).

8 DATED: September 22, 2010.

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11 EDMUND F. BRENNAN  
12 UNITED STATES MAGISTRATE JUDGE  
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25 <sup>2</sup> Because defendant Adult Protective Services of Sacramento County already filed a status  
26 report herein, it need not file a further status report or participate in the preparation of a joint status  
report. However, if defendant Adult Protective Services of Sacramento County elects to file a  
further status report, it shall do so on or before December 22, 2010.