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

G.M., a minor, by and through)	
his Guardian ad Litem, KEVIN)	2:10-cv-00944-GEB-GGH
MARCHESE, an individual, and)	
LYNDI MARCHESE, an individual,)	
)	<u>ORDER TO SHOW CAUSE AND</u>
Plaintiff,)	<u>CONTINUING STATUS (PRETRIAL</u>
)	<u>SCHEDULING) CONFERENCE; FED.</u>
v.)	<u>R. CIV. P. 4(m) NOTICE</u>
)	
DRYCREEK JOINT ELEMENTARY SCHOOL)	
DISTRICT; CALIFORNIA DEPARTMENT)	
OF EDUCATION; and JACK)	
O'CONNELL, in his official)	
capacity as STATE SUPERINTENDENT)	
OF PUBLIC INSTRUCTION FOR THE)	
STATE OF CALIFORNIA,)	
)	
Defendants.)	
_____)	

The April 19, 2010, Order Setting Status (Pretrial Scheduling) Conference scheduled a status conference in this case for August 9, 2010, and required the parties to file a joint status report no later than fourteen days prior to the status conference. The Order further required a status report be filed regardless of whether a joint report could be procured. No status report was filed.


Plaintiff and Plaintiff's counsel is Ordered to Show Cause ("OSC") in a writing to be filed no later than 4:00 p.m. on October 18, 2010, why sanctions should not be imposed against Plaintiff and/or Plaintiff's counsel under Rule 16(f) of the Federal Rules of Civil Procedure for failure to file a timely status report. If a hearing is

1 requested on the OSC, it will be held on November 1, at 9:00 a.m., just
2 prior to the status conference, which is rescheduled to that date. A
3 joint status report shall be filed no later than fourteen days prior to
4 the status conference.¹

5 Further, Plaintiff is notified under Rule 4(m) of the Federal
6 Rules of Civil Procedure that any defendant not served with process
7 within the 120 day period prescribed in that Rule may be dismissed as a
8 defendant in this action unless Plaintiff provides proof of service or
9 "shows good cause for the failure" to serve within this prescribed
10 period in a filing due no later than 4:00 p.m. on August 18, 2010.

11 IT IS SO ORDERED.

12 Dated: July 30, 2010

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15 _____
GARLAND E. BURRELL, JR.
United States District Judge

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26 ¹ The failure of one or more of the parties to participate in
27 the preparation of the Joint Status Report does not excuse the other
28 parties from their obligation to timely file a status report in
accordance with this Order. In the event a party fails to participate
as ordered, the party timely submitting the status report shall include
a declaration explaining why it was unable to obtain the cooperation of
the other party or parties.