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

GEORGE S. LOUIE,

Plaintiff,

No. CIV S-10-2530 LKK EFB PS

vs.

CALIFORNIA JUDICIAL COUNCIL;
SACRAMENTO COUNTY SUPERIOR
COURT;

Defendants.

ORDER

_____ /
This case is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C. § 636(b)(1). On September 20, 2010, plaintiff filed a complaint in this action and paid the filing fee. Dckt. No. 1. The same day, the court issued its initial scheduling order. Dckt. No. 3. That order directed plaintiff to complete service of process within 120 days, and set a scheduling conference for January 26, 2011. *Id.* The order further directed the parties to file status reports no later than fourteen days prior to the January 26, 2011 scheduling conference (or by January 12, 2011). *Id.*

On January 19, 2011, because it appeared that plaintiff had not filed a status report as required by the September 20, 2010 order, and had not yet effected service of process on defendants, the undersigned continued the January 26 status conference and ordered plaintiff to

1 show cause why this case should not be dismissed for failure to follow court orders and for
2 failure to effect timely service of process. Dckt. No. 7 (citing Fed. R. Civ. P. 4(m); E.D. Cal.
3 L.R. 110, 183; *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

4 However, the docket reveals that plaintiff did file a status report on January 14, 2011
5 indicating that “[t]he defendant has agreed to accept service” and that the parties “are engaged in
6 settlement discussions,” and requesting that the January 26, 2011 status conference be continued
7 for thirty days. Dckt. No. 6. Also, on January 26, 2011, defendants filed an answer to plaintiff’s
8 complaint, and on January 27, 2011, plaintiff filed a response to the January 19, 2011 order to
9 show cause. Dckt. Nos. 8, 9.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The January 19, 2011 order to show cause, Dckt. No. 7, is discharged;
- 12 2. The status conference remains scheduled for March 30, 2011, at 10:00 a.m., in
13 Courtroom No. 24; and
- 14 3. By March 16, 2011, the parties shall file status reports (or a joint status report) setting
15 forth the matters referenced in the court’s September 20, 2010 order.

16 SO ORDERED.

17 DATED: February 1, 2011.

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19 EDMUND F. BRENNAN
20 UNITED STATES MAGISTRATE JUDGE
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