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

Scott N. Johnson,)	
)	2:11-cv-00646-GEB-GGH
Plaintiff,)	
)	<u>ORDER CONTINUING STATUS</u>
v.)	<u>(PRETRIAL SCHEDULING)</u>
)	<u>CONFERENCE; FED. R. CIV. P.</u>
Luis Aquino, Individually and)	<u>4(M) NOTICE</u>
d/b/a Margaritas Restaurant;)	
Glady Aquino, Individually and)	
d/b/a Margaritas Restaurant;)	
Ramon Bravo,)	
)	
Defendants.)	
_____)	

Plaintiff states in his Status Report filed June 13, 2011 that he "has filed a Request for Clerk's Entry of Default against Defendants Luis Aquino and Glady Aquino[, and] . . . anticipates a Motion for Default date in October 2011." (ECF No. 8, 3:12-14.)

Therefore, the referenced motion shall be filed and noticed for hearing before the appropriate judge within forty-five (45) days of the date on which this Order is filed. If Plaintiff fails to timely file this motion, Plaintiff shall show cause in a document filed no later than 4:00 p.m. on August 5, 2011, why these defendants should not be dismissed for failure of prosecution.

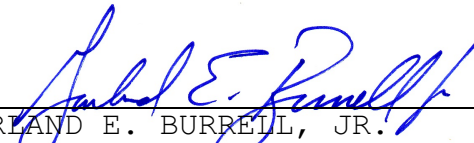
Further, Plaintiff is notified under Rule 4(m) of the Federal Rules of Civil Procedure that Defendant Ramon Bravo may be dismissed as a defendant in this action unless Plaintiff provides proof of service, or "shows good cause for the failure" to serve this defendant within

1 Rule 4(m)'s 120 day prescribed period, in a filing due no later than
2 4:00 p.m. on July 11, 2011.

3 Lastly, the status conference scheduled for hearing on June
4 27, 2011, is continued to commence at 9:00 a.m. on October 17, 2011. A
5 status report shall be filed fourteen (14) days prior to the status
6 conference in which Plaintiff is required to explain the status of the
7 default proceedings.

8 IT IS SO ORDERED.

9 Dated: June 17, 2011

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13 GARLAND E. BURRELL, JR.
14 United States District Judge
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