

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

SCOTT N. JOHNSON,)	
)	2:11-cv-00798-GEB-DAD
Plaintiff,)	
)	<u>ORDER CONTINUING STATUS</u>
v.)	<u>(PRETRIAL SCHEDULING)</u>
)	<u>CONFERENCE; FED. R. CIV. P.</u>
JOHN VANHOOSE, Individually and)	<u>4 (M) NOTICE</u>
d/b/a O'Riley's Pub; JAMIE)	
BIANCA,)	
)	
Defendants.)	
_____)	

Plaintiff states in his Status Report filed October 31, 2011: "Defendant, John Vanhooose, has been served with the First Amended Complaint, but has not filed an answer. Defendant Jamie Bianca has not been served." (ECF No. 16, 2:13-15.)

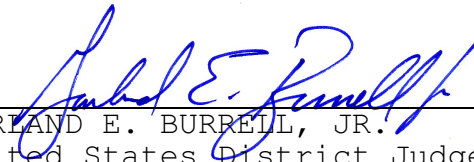
Plaintiff shall take the steps necessary to prosecute this action as to Defendant John Vanhooose as a default matter. Plaintiff shall either file whatever documents are required or Show Cause in a writing filed no later than 4:00 p.m. on January 23, 2012, why Defendant John Vanhooose should not be dismissed for failure of prosecution.

Further, Plaintiff is notified under Rule 4(m) of the Federal Rules of Civil Procedure that if Defendant Jamie Bianca is not served with process within the 120 day period prescribed in that Rule, that Defendant may be dismissed as a defendant. To avoid dismissal, on or before November 28, 2011 Plaintiff shall file proof of service for this defendant or a sufficient explanation why service was not effected within Rule 4(m)'s prescribed service period.

1 Further, the status conference scheduled for hearing on
2 November 14, 2011, is continued to commence at 9:00 a.m. on February 13,
3 2012. A status report shall be filed fourteen (14) days prior to the
4 status conference in which Plaintiff is required to explain the status
5 of the proceedings.

6 IT IS SO ORDERED.

7 Dated: November 8, 2011

8
9 
10 _____
11 GARLAND E. BURRELL, JR.
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28