

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EBARA TECHNOLOGIES, INC.,
Plaintiff,

NO. CIV. S-11-3068 LKK/EFB

v.

O R D E R

RANDAL BAKER,
Defendant.

_____ /

On November 18, 2011, Plaintiff Ebara Technologies, Inc. filed a complaint against Defendant Randal Baker. Pl's Compl., ECF No. 1. On November 21, 2011, the court issued Defendant a summons, and required him to serve an answer to the complaint on Plaintiff's counsel. Summons, ECF No. 3. However, the docket does not indicate that Defendant has been served with the complaint. An initial scheduling conference has been set for February 21, 2012, at 10:30 A.M. Civil New Case Docs., ECF No. 4.

Pursuant to Fed. R. Civ. P. 4(m), "If a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must

1 dismiss the action without prejudice against that defendant or
2 order that service be made within a specified time." According to
3 this rule, Plaintiff has until March 17, 2012 to serve Defendant
4 Randal Baker with the complaint.

5 For the foregoing reasons, the court orders as follows:

6 [1] Plaintiff Ebara Technologies SHALL serve Defendant Randal
7 Baker with the complaint by March 17, 2012, in accordance
8 with the requirements set forth in Local Rule 135. Failure
9 to do so, without good cause, may result in dismissal of
10 Plaintiff's complaint.

11 [2] The status conference scheduled for February 21, 2012 is
12 continued to May 14, 2012 at 11:00 a.m.

13 IT IS SO ORDERED.

14 DATED: February 21, 2012.

15
16
17
18
19
20
21
22
23
24
25
26


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT