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

CELSO COSTELO;
MARIA S. COLMENARES-PRATT,

Plaintiffs,

No. 2:12-cv-1429-JAM-EFB PS

vs.

PRO 30 FUNDING, et al.,

Defendants.

ORDER TO SHOW CAUSE

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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 May 29, 2012, plaintiffs 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 plaintiffs to complete service of process within 120 days (*see* Federal Rule of Civil Procedure (“Rule”) 4(m)), and set a scheduling conference for October 10, 2012. *Id.* The order further directed the parties to file status reports no later than fourteen days prior to the October 10, 2012 scheduling conference (or by September 26, 2012), and cautioned the parties that failure to obey the federal or local rules or orders of the court could result in sanctions, including a recommendation that the case be dismissed. *Id.*

The court file reveals that plaintiffs have not filed a status report, as required by the May 29, 2012 order, and that plaintiffs have not yet effected service of process on defendants.

1 Accordingly, the status conference will be continued and plaintiffs will be ordered to show cause
2 why this case should not be dismissed for failure to follow this court's orders and Local Rules
3 and/or for failure to effect service of process within the time prescribed by Rule 4(m). Fed. R.
4 Civ. P. 4(m); *see also* Fed. R. Civ. P. 4(l)(1) (requiring that proof of service be made to the
5 court); E.D. Cal. L.R. 210(b) (same); E.D. Cal. L.R. 110 ("Failure of counsel or of a party to
6 comply with these Rules or with any order of the Court may be grounds for imposition by the
7 Court of any and all sanctions authorized by statute or Rule or within the inherent power of the
8 Court."); E.D. Cal. L.R. 183 ("Any individual representing himself or herself without an attorney
9 is bound by the Federal Rules of Civil or Criminal Procedure and by these Local Rules.");
10 *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) ("Failure to follow a district court's local rules
11 is a proper ground for dismissal."). Failure to timely comply with this order may result in
12 sanctions, including a recommendation that this action be dismissed for lack of prosecution, for
13 failure to follow this court's orders and Local Rules, and/or for failure to effect service of
14 process within the time prescribed by Rule 4(m).

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. The status conference currently scheduled for October 10, 2012, is rescheduled for
17 November 28, 2012, at 10:00 a.m., in Courtroom No. 24.

18 2. Plaintiffs shall show cause, in writing, on or before November 7, 2012, why sanctions
19 should not be imposed for failure to follow court orders and Local Rules.

20 3. Also by November 7, 2012, plaintiffs shall file a proof of timely service on
21 defendants, or shall show cause, in writing, why any unserved defendants should not be
22 dismissed for failure to effect service of process within the time prescribed by Rule 4(m).

23 4. Also by November 7, 2012, the parties shall file status reports (or a joint status report)
24 setting forth the matters referenced in the court's May 29, 2012 order, including the status of
25 service of process.

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1 5. Failure of plaintiffs to comply with this order may result in a recommendation that this
2 action be dismissed for failure to follow court orders and this court's Local Rules, for failure to
3 effect service of process within the time prescribed by Rule 4(m), and/or for lack of prosecution
4 under Rule 41(b).

5 SO ORDERED.

6 DATED: September 28, 2012.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

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