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

SYLVIA THOMAS,

Plaintiff,

No. 2:13-cv-745-MCE-EFB PS

vs.

UNITED AIR LINES, INC.;
RAFAEL PADILLA CRUZ; and
DOES 1-50, inclusive,

Defendants.

ORDER

_____ /
This case, in which plaintiff is proceeding pro se, is before the undersigned pursuant to Eastern District of California Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1). On July 11, 2013, the undersigned recommended that defendant United Air Lines, Inc.’s motion to dismiss be granted, and ordered plaintiff to show cause, in writing on or before July 25, 2013, why defendant Rafael Padilla Cruz should not be dismissed for failure to effect service of process within the time prescribed by Rule 4(m) and/or for failure to comply with the Federal Rules of Civil Procedure and this court’s previous orders. ECF No. 14.

On July 25, 2013, plaintiff filed a response to the order to show cause, indicating that defendant Cruz was served on May 7, 2013, and that the executed summons was filed on May 20, 2013. ECF No. 7. In light of plaintiff’s response, the July 11, 2013 order to show cause will

1 be discharged. If plaintiff believes that service on Cruz was proper and that Cruz failed to timely
2 respond to the complaint, plaintiff shall request that the clerk enter Cruz's default in accordance
3 with Federal Rule of Civil Procedure 55(a).¹

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The July 11, 2013 order to show cause is discharged.
- 6 2. If plaintiff opines that service on Cruz was proper and that he failed to timely respond
7 to the complaint, within thirty days, plaintiff shall request that the clerk enter Cruz's default.²

8 SO ORDERED.

9 Dated: July 30, 2013.

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EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE

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¹ The court has not considered or determined whether service was, in fact, proper.

25 ² If the clerk enters Cruz's default, plaintiff shall thereafter file and notice an appropriate
26 motion for default judgment in accordance with Local Rule 230 and Federal Rule of Civil Procedure 55(b).