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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JACK MITCHELL, JR.; AND MARJA MITCHELL,

Plaintiffs,

v.

STEVEN CULVER., individually and as a Federal Ranger;
BRIAN J.DENSMORE, individually and as a Federal Ranger,

Defendants.

No. 2:15-cv-00058-GEB-CMK

ORDER TO SHOW CAUSE AND CONTINUING STATUS (PRETRIAL SCHEDULING) CONFERENCE; FED. R. CIV. P. 4(M) NOTICE

The January 9, 2015 Order Setting Status (Pretrial Scheduling) Conference scheduled a status conference in this case on April 20, 2015, and required the parties to file a joint status report no later than fourteen (14) days prior to the scheduling conference. The January 9, 2015 Order further required a status report be filed regardless of whether a joint report could be procured. No status report was filed as ordered.

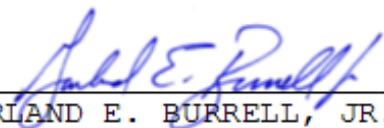
Therefore, Plaintiffs are Ordered to Show Cause ("OSC") in a writing to be filed no later than April 24, 2015, why sanctions should not be imposed against them and/or their counsel under Rule 16(f) of the Federal Rules of Civil Procedure for failure to file a timely status report. The written response

1 shall also state whether Plaintiffs or their counsel is at fault,
2 and whether a hearing is requested on the OSC.¹ If a hearing is
3 requested, it will be held on June 8, 2015, at 9:00 a.m., just
4 prior to the status conference, which is rescheduled to that date
5 and time. A joint status report shall be filed no later than
6 fourteen (14) days prior to the status conference.

7 Further, Plaintiffs are notified under Rule 4(m) of the
8 Federal Rules of Civil Procedure that failure to serve each
9 Defendant with process within the 120 day period prescribed in
10 that Rule may result in the unserved defendant(s) and/or this
11 action being dismissed. To avoid dismissal, on or before May 11,
12 2015, Plaintiffs shall file proof of service for each Defendant
13 or a sufficient explanation why service was not completed within
14 Rule 4(m)'s prescribed service period.

15 IT IS SO ORDERED.

16 Dated: April 14, 2015

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20 GARIAND E. BURRELL, JR.
21 Senior United States District Judge
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26 ¹ "If the fault lies with the attorney, that is where the impact of
27 sanction should be lodged. If the fault lies with the clients, that is where
28 the impact of the sanction should be lodged." In re Sanction of Baker, 744
F.2d 1438, 1442 (10th Cir. 1984), cert. denied, 471 U.S. 1014 (1985).
Sometimes the faults of attorneys, and their consequences, are visited upon
clients. Myers v. Shekter (In re Hill), 775 F.2d 1385, 1387 (9th Cir. 1985).