1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 TONIA NELSON, No. 2:15-CV-00092-KJM-DAD 12 Plaintiff. 13 v. **ORDER** 14 LOWE'S HOME CENTERS, LLC, 15 Defendant. 16 17 On May 9, 2016, the court ordered plaintiff Tonia Nelson to show cause within 18 fourteen (14) days why the court should not dismiss the "Doe" defendants. ECF No. 30. The 19 court also ordered plaintiff's counsel, Erik Peterson, to show cause within seven (7) days why he 20 should not be sanctioned in the amount of \$250 for his failure to obtain admission to the Bar of 21 the Eastern District of California, as required by the Local Rules. *Id.* 22 More than fourteen days have passed, and plaintiff and plaintiff's counsel have 23 each failed to respond to the court's order. The court construes the lack of response as a 24 concession. Accordingly, the court DISMISSES the unnamed defendants under Federal Rule of 25 Civil Procedure 4(m). See Fed. R. Civ. P. 4(m) (providing for dismissal of defendants not served 26 within ninety days of filing of the complaint unless the plaintiff shows good cause); see also 27 Glass v. Fields, No. 1:09-00098, 2011 U.S. Dist. LEXIS 97604 (E.D. Cal. Aug. 31, 2011); Hard 28 Drive Prods. v. Does, No. 11-01567, 2011 U.S. Dist. LEXIS 109837, at \*2-4 (N.D. Cal. Sept. 27,

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2011). The court also SANCTIONS plaintiff's counsel in the amount of \$250.00, payable to the Clerk of the Court within fourteen (14) days of the date this order is served. Counsel shall not pass this cost on to his client.

## IT IS SO ORDERED.

DATED: June 7, 2016

UNITED STATES DISTRICT JUDGE