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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEAN MARC VAN DEN HEUVEL,
Plaintiff,
v.
EXPEDIA TRAVEL, et al.,
Defendants.

No. 2:16-cv-0567 JAM AC (PS)

ORDER

This lawsuit was removed from the Sacramento County Superior Court. See ECF No. 1. Plaintiff is proceeding in pro per, and the matter was accordingly referred to the magistrate judge by E.D. Cal. R. (“Local Rule”) 302(c)(21). On August 26, 2016, plaintiff voluntarily dismissed defendant British Airways, with prejudice. ECF No. 31.

It appears that plaintiff is not actively litigating this case against Expedia Travel, the only remaining named defendant. See ECF No. 26 (Second Amended Complaint). There is no evidence that plaintiff has served Expedia, which was named in the original complaint, within the 90 days allotted for him to do so.¹ See ECF No. 5 (ordering service within 90 days of March 25, 2016, citing Fed. R. Civ. P. 4(m)); Fed. R. Civ. P. 4(l) (requiring proof of service to be filed with

¹ See Thai v. United States, 2016 WL 1585135 at *2, 2016 U.S. Dist. LEXIS 52465 at *7 (S.D. Cal.) (“the filing of an amended complaint does not restart the service period against a defendant named in the original complaint under Rule 4(m)”), adopted, 2016 WL 1573314, 2016 U.S. Dist. LEXIS 52455 (2016).


1 the court). Moreover, plaintiff has not timely filed a Status Report for the Status (Pretrial
2 Scheduling) Conference currently scheduled for September 7, 2016.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The status conference currently scheduled for September 7, 2016 is VACATED;

5 2. Plaintiff is Ordered To Show Cause, in writing, no later than September 7, 2016,
6 why this action should not be dismissed for lack of prosecution. Plaintiff is cautioned that failure
7 to respond to this order may result in a recommendation that this action be dismissed.

8 DATED: September 1, 2016

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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE
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