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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

MCM, LLC, a California
Limited Liability Company; and
Does 1-10,

Defendants.

No. 2:16-CV-01572-KJM-EFB

ORDER

Plaintiff sued a California limited liability company and ten unnamed individuals, claiming their parking lot does not comply with the Americans with Disabilities Act (“ADA”). Plaintiff filed this action on July 10, 2016, but has yet to properly serve the defendants. On November 2, 2016, plaintiff requested to continue the initial scheduling conference, claiming he had tried several times to serve defendants, but to no avail. ECF No. 4. The court granted his request. ECF No. 5.

Then on December 29, 2016, plaintiff again requested to continue the status conference for the same reason. ECF No. 6. To support this request, plaintiff filed two lists of alleged personal service attempts. Exs. A & B, ECF No. 6. These lists reflect that Jason Kendle, on plaintiff’s behalf, tried several times to serve defendant MCM’s agent, Cindy Yang, at two

1 addresses in Morgan Hill and one in Saratoga, California. According to Kendle, nobody ever
2 answered the door. *See id.* Plaintiff does not explain where he got the addresses or why two
3 separate addresses are labeled as Cindy Yang's "home." Plaintiff also does not explain what he
4 would do should the court grant his most recent continuation request to advance his attempts at
5 service. His thirty-two unsuccessful service attempts thus far previously warranted such an
6 explanation. Finding no good cause, the court denied this second request. ECF No. 7. The court
7 nonetheless vacated the scheduling conference sua sponte, because no defendant had yet been
8 served. ECF No. 8.

9 Now, three months later, plaintiff has taken no further action in this case. The
10 court therefore ORDERS plaintiff to show cause, within fourteen (14) days, why the court should
11 not dismiss this case for failure to prosecute.

12 IT IS SO ORDERED.

13 DATED: April 11, 2017.

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16 UNITED STATES DISTRICT JUDGE
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