

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. 2:16-cv-02913-GHW Date November 17, 2017

Title *Valerie J. Stacker, et al. v. California Department of Corrections and Rehabilitation, et al.*

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez

None Present

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

**PROCEEDINGS: IN CHAMBERS - ORDER TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE DISMISSED FOR LACK OF PROSECUTION**

This Order is issued pursuant to FRCP 4(m), which requires that plaintiff(s) serve the summons and complaint upon all defendants within 90 days after filing the complaint. The Court may dismiss the action prior to the 90 days, however, if plaintiff(s) has/have not diligently prosecuted the action.

It is the responsibility of plaintiff to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, plaintiff(s) must also pursue Rule 55 remedies promptly upon default of any defendant. All stipulations affecting the progress of the case must be approved by the Court, Local Rule 7-1.

The file in this case lacks the papers that would show it is being timely prosecuted, as reflected below. Accordingly, the Court, on its own motion, hereby orders plaintiff(s) to show cause in writing no later than December 1, 2017 why this action should not be dismissed as to Defendants J. Johnson and J. Lopez for lack of prosecution.

As an alternative to a written response by plaintiff(s), the Court will accept one of the following, if it is filed on or before the above date, as evidence that the matter is being prosecuted diligently.

- Proof of service of summons and complaint (applicable for defendant(s) who have not been served);
- In cases removed from State Court, responsive pleadings filed by all defendants
- Request for entry of default by plaintiff(s) (applicable where defendants have been served but not answered);
- Motion for default judgment.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by plaintiff(s) is due.

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Initials of Preparer JG