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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CONTROL SOLUTIONS, INC.,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 2:23-cv-01640 DAD AC

ORDER TO SHOW CAUSE

Plaintiff, appearing by counsel, filed a complaint on August 9, 2023. ECF No. 1. On August 10, 2023, an order was issued requiring the plaintiff to serve a copy of the scheduling order and complete service of process within 90 days of filing the complaint. ECF No. 3 at 2. Plaintiff was cautioned that failure to complete service within 90 days may result in dismissal pursuant to Fed. R. Civ. P. 40(m). Id. An amended complaint was filed August 11, 2023. ECF No. 4. The deadline for service has passed, and no certificate of service has been filed. On August 28, 2023, the District Judge assigned to this case referred the initial status conference to the undersigned. ECF No. 5. A status conference was set for February 7, 2024. ECF Nos. 6, 8. A scheduling report was due January 24, 2024. Id. No report was filed, there is no indication that defendants have been served, and defendants have not appeared. Plaintiff has taken no action whatsoever in this case for nearly six months.

Local Rule 110 provides that failure to comply with court orders or the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the

1 inherent power of the Court.” Plaintiff has failed to follow court orders and the undersigned is  
2 concerned that plaintiff has abandoned this case.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The initial status conference set for February 7, 2024 is VACATED to be re-set as  
5 necessary;
- 6 2. Plaintiff is Ordered to Show Cause, in writing, no later than February 16, 2024, why this  
7 action should not be dismissed for failure to prosecute;
- 8 3. Plaintiff’s filing of a proof of service upon defendant will be deemed good cause shown;  
9 and
- 10 4. If plaintiff fails to comply with this order, the undersigned will recommend that this case  
11 be dismissed without prejudice for failure to prosecute.

12 DATED: February 6, 2024

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14 ALLISON CLAIRE  
15 UNITED STATES MAGISTRATE JUDGE  
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