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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK EVAN O'DELL,)	
)	
Plaintiff(s),)	No. C 08-0756 CRB (PR)
)	
vs.)	ORDER
)	
JEFFERY ZWERIN, D.O., et al.,)	
)	
Defendant(s).)	
_____)	

On October 21, 2009, the court found that plaintiff's Fourth Amended Complaint (FAC) for damages under 42 U.S.C. § 1983 stated cognizable claims for deliberate indifference to serious medical needs and for denial of access to the courts, when liberally construed.

On January 20, 2010, five served defendants filed an answer.

On February 24, 2010, plaintiff filed a motion for an extension of time to discover the location of more than a dozen unserved defendants and have them served.

On March 15, 2010, the court granted plaintiff's motion and gave him until May 14, 2010 to serve all defendants. The court made clear that defendants not served by May 14, 2010 "will be dismissed without prejudice pursuant to Rule 4(m). See Fed. R. Civ. P. 4(m)." The court also instructed all defendants served

1 by May 14, 2010 to file a motion for summary judgment, or other dispositive
2 motion, by no later August 13, 2010.

3 On July 9, 2010, the five served defendants moved for an extension of
4 time to file a dispositive motion, which the court granted, giving them until
5 November 13, 2010 to file a dispositive motion. They have yet to file such
6 motion or even request an extension of time, however.

7 Good cause appearing, all unserved defendants are dismissed without
8 prejudice. This action will proceed as to the five served defendants – Cora
9 Lozada, Sophie Tramel, Angelique Ledbetter, Tim Ford and Ellen Bachman –
10 only. But said defendants shall file a dispositive motion by January 14, 2010, or
11 show cause as to why they should not be sanctioned.

12 SO ORDERED.

13 DATED: Dec. 16, 2010

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16 CHARLES R. BREYER
17 United States District Judge
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