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2  
3 UNITED STATES DISTRICT COURT  
4 Northern District of California  
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6 KALAKE FONUA and KENNETH ASHTON  
7 FONUA,

No. C 09-05983 MEJ

8 Plaintiff(s),

**ORDER VACATING CMC**

9 v.

**ORDER FOR PLAINTIFFS TO FILE  
STATUS REPORT**

10 CITY OF SAN MATEO, et al.,

11 Defendant(s).  
12 \_\_\_\_\_/

13 Plaintiffs Kalake Fonua and Kenneth Ashton Fonua filed the above-captioned complaint on  
14 December 2, 2009. Since that time, however, there has been no further docket activity. As there is a  
15 case management conference scheduled on April 1, 2010, and there is no indication that the  
16 defendants have been served, the Court hereby VACATES the April 1, 2010 Case Management  
17 Conference. To help the Court determine how to proceed with this case, the plaintiffs shall file a  
18 status report by April 5, 2010. The status report shall not raise any arguments or provide details  
19 regarding the subject matter of their complaint; instead, the plaintiffs shall address what steps they  
20 have taken since filing their complaint to ensure that all named defendants have been served, and  
21 whether they intend to proceed with the prosecution of their case. Plaintiffs should be mindful that  
22 the Court may dismiss their case pursuant to Federal Rule of Civil Procedure 41(b) for failure to  
23 prosecute.

24 **IT IS SO ORDERED.**

25 Dated: March 15, 2010

26   
27 \_\_\_\_\_  
28 Maria-Elena James  
Chief United States Magistrate Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 KALAKE FONUA et al,  
5 Plaintiff,

Case Number: CV09-05983 MEJ

**CERTIFICATE OF SERVICE**

6 v.

7 SAN MATEO CITY OF et al,  
8 Defendant.

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
10 Court, Northern District of California.

11 That on March 15, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
14 located in the Clerk's office.

15 Kalake Fonua  
16 Kenneth Ashton Fonua  
17 2555 Illinois Street  
18 East Palo Alto, CA 94303

19 Dated: March 15, 2010

Richard W. Wieking, Clerk  
By: Brenda Tolbert, Deputy Clerk