

United States District Court
For the Northern District of California

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

ANDRE HURST, an individual doing
business as THE PEGASUS GROUP,

Plaintiff,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, as receiver for
UNITED COMMERCIAL BANK, INC.,

Defendant.

No. C 11-3424 CW

ORDER CORRECTING
DEADLINE FOR PROOF
OF SERVICE OF THE
SUMMONS AND
COMPLAINT

On October 21, 2011, the Court warned Plaintiff that failure to serve Defendant with a summons and the complaint, pursuant to Federal Rule of Civil Procedure 4(m), would result in dismissal of this action for failure to prosecute. Rule 4(m) states, "If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Plaintiff has provided no indication that he has served Defendant. However, the October 21, 2011 order incorrectly stated that the deadline for service was November 10, 2012, rather than November 10, 2011. To ensure that this action is promptly resolved, on or before December 1, 2011, Plaintiff shall serve Defendant or submit

1 a request for an extension of time for service, or face dismissal
2 of this action without prejudice for failure to prosecute.

3 IT IS SO ORDERED.

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5 Dated: 11/21/2011

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CLAUDIA WILKEN
United States District Judge