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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIKE GELLER, et al.,
Plaintiffs,
v.
STEINY AND COMPANY INC,
Defendant.

Case No. 15-cv-01452-KAW
ORDER TO SHOW CAUSE
Re: Dkt. No. 1

Plaintiffs Mike Geller and Ronald Bennett commenced the above-captioned case on March 30, 2015. (Compl., Dkt. No. 1.) The initial case management conference was set for June 30, 2015. (Scheduling Order, Dkt. No. 3.) On June 19, 2015, the Court, sua sponte, continued the initial case management conference to August 11, 2015 because Plaintiffs had not filed a certificate of service showing that the Defendant had been served with a copy of the summons and complaint. Because no certificate of service was on file by July 30, 2015, the Court once again continued the initial case management conference. That is currently on calendar for October 13, 2015.

Federal Rule of Civil Procedure 4(m) provides that "[i]f a defendant is not served 120 days after the complaint is filed, the court . . . must dismiss the action without prejudice against the defendant" In this case, the deadline for service of the summons and complaint was July 28, 2015. As of the filing of this order, however, Plaintiffs have not filed a certificate of service indicating that the defendant has been served.

Accordingly, the Court hereby orders Plaintiffs to show cause why this case should not be dismissed for failure to serve the summons and complaint as required by Federal Rule of Civil Procedure 4(m). Plaintiff shall file a written response to this order to show cause by October 13,

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2015. Failure to file a response to this order may result in dismissal of this action.

The case management conference currently set for October 13, 2015 is continued to
December 29, 2015 at 1:30 p.m.

IT IS SO ORDERED.

Dated: 09/30/2015


KANDIS A. WESTMORE
United States Magistrate Judge