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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN DANIEL QUILLINAN,
Plaintiff,
v.
RUSSELL AINSWORTH, et al.,
Defendants.

Case No. [4:17-cv-00077-KAW](#)

**ORDER GRANTING LEAVE TO FILE
FIRST AMENDED COMPLAINT;
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Re: Dkt. No. 7

On March 16, 2017, Plaintiff Kevin Quillinan filed a Motion for Permission to file an Amended Complaint, which the Court will construe as a motion for leave to file an amended complaint. (Dkt. No. 7.) The motion for leave to file an amended complaint is GRANTED, and the Court will consider the First Amended Complaint (Dkt. No. 8) as properly filed.

Plaintiff is advised that, if the defendants do not waive service, he is required to serve them pursuant to Federal Rule of Civil Procedure 4(e), and file the proofs of service on the docket. Fed. R. Civ. P. 4(l). Furthermore, service must be made within 90 days after the complaint is filed. Fed. R. Civ. P. 4(m). The failure to timely serve the defendants may result in the case being dismissed without prejudice. *See id.* As Plaintiff described his attempts to have the defendants waive service, the undersigned will extend his time to serve all defendants to **June 19, 2017**. (*See* Dkt. No. 7.) If service is not timely effected by that date, either by waiver or by actual service, and Plaintiff has not filed a Motion for Administrative Relief from the deadline pursuant to Civil L.R. 7-11, the case may be dismissed.

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Accordingly, the April 11, 2017 case management conference is continued to August 22, 2017 at 1:30 p.m. at 1301 Clay Street, Oakland, California. Separate case management statements are due by August 15, 2017.

IT IS SO ORDERED.

Dated: April 6, 2017


KANDIS A. WESTMORE
United States Magistrate Judge