

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN FANTL, ET AL.,

Plaintiffs,

v.

DAVID GLENWINKEL, et al.,

Defendants.

Case No. [4:17-cv-02033-KAW](#)

**SECOND ORDER TO SHOW CAUSE;
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

This action was filed on April 12, 2017. (Dkt. No. 1.) Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiffs had 90 days to complete service of the complaint and summons on Defendants, such that July 11, 2017 was the last day to complete service or to file a Motion for Administrative Relief from the deadline pursuant to Civil L.R. 7-11. On August 8, 2017, the Court issued an order to show cause to Plaintiffs to explain, by August 22, 2017, why this matter should not be dismissed for failure to comply with the deadline to complete service. (Dkt. No. 9.) On August 23, 2017 (one day late), Plaintiffs responded to the order to show cause and requested that the deadline be extended to September 8, 2017. (Dkt. No. 10.) The undersigned granted the extension and discharged the order to show cause on August 25, 2017. (Dkt. No. 12.) To date, no certificate of service has been filed nor have Plaintiffs sought leave of court for a further extension of time to complete service. Furthermore, Plaintiffs did not file a case management statement in advance of the October 24, 2017 case management conference nor did they request that the case management conference be continued.

Accordingly, by no later than November 8, 2017, Plaintiffs shall show cause, in writing, why this matter should not be dismissed for failure to comply with the deadline to complete service on Defendants or to file a Motion for Administrative Relief, and Plaintiffs' counsel shall

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

explain why he should not pay monetary sanctions in the amount of \$500 for his repeated failure to comply with the court’s deadlines. Also by November 8, 2017, Plaintiffs shall complete service on Defendants and file a certificate of service on the docket. The failure to comply with these deadlines may result in the case being dismissed for failure to prosecute.

Additionally, the Case Management Conference scheduled for October 24, 2017 is continued to January 16, 2018. The joint case management conference statement is due on or before January 9, 2018.

IT IS SO ORDERED.

Dated: October 23, 2017


KANDIS A. WESTMORE
United States Magistrate Judge