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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PATRICIA M. HERNANDEZ, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
PATRICIA ALVAREZ, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No.: C 08-1630 PVT  
**ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE; AND  
ORDER TO PLAINTIFF TO SHOW  
CAUSE WHY SHE SHOULD NOT BE  
ORDERED TO COMPLETE SERVICE  
OF PROCESS ON ALL DEFENDANTS  
BY JANUARY 16, 2009.**

It has come to the court’s attention that service of process has not yet been completed on all Defendants within 120 days as required by Rule 4(m) of the Federal Rules of Civil Procedure.<sup>1</sup>

Based on the file herein,

IT IS HEREBY ORDERED that the Case Management Conference in this matter is continued to 2:00 p.m. on February 24, 2009.

IT IS FURTHER ORDERED that, no later than November 25, 2008, Plaintiff shall show cause why she should not be ordered to complete service of process on all remaining unserved Defendants by January 16, 2009. Under Rule 4(m), Plaintiff was required to serve all Defendants within 120 days after the action was filed. This action was filed on March 26, 2008. Thus, the

<sup>1</sup> The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 deadline for Plaintiff to serve all Defendants was July 24, 2008. If a Defendant is not served within  
2 the 120 day period, Rule 4(m) requires that:

3 “the court—on motion or on its own after notice to the plaintiff—must dismiss the  
4 action without prejudice against that defendant or order that service be made within a  
5 specified time. But if the plaintiff shows good cause for the failure, the court must  
6 extend the time for service for an appropriate period.”

6 Dated: 1/13/08

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8 PATRICIA V. TRUMBULL  
9 United States Magistrate Judge  
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