

E-Filed 9/10/09

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 JAVIER MEDRANO SOTO,

No. 5:09-CV-02126 RS

11 Plaintiff,

12 v.

**ORDER EXTENDING SUMMONS
AND CONTINUING CASE
MANAGEMENT CONFERENCE**13
14 JOHN W. VOJTECH and CBC FRAMING,
15 INC., a California Corporation,16 Defendants.
17 _____/

18 THIS MATTER is before the Court upon the filing of an affidavit by counsel for plaintiff
19 Javier Medrano Soto. According to the affidavit, attempts to serve defendant John W. Vojtech have
20 thus far proven unsuccessful. For this reason, plaintiff's counsel requests the Court to continue the
21 case management conference currently scheduled for September 16, 2009.

22 Federal Rule of Civil Procedure 4(m) provides: "If a defendant is not served within 120
23 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—
24 must dismiss the action without prejudice against that defendant or order that service be made
25 within a specified time." A review of the docket in this case indicates that plaintiff filed his
26 complaint on May 14, 2009, and the Court issued a summons as to defendant Vojtech on the same
27 date. The 120 day period delineated by Rule 4(m) expires on September 14, 2009.
28

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

It is hereby ORDERED that the summons is extended for an additional **45 day** period beyond its expiration on September 14, 2009.

It is further ORDERED that the case management conference shall be continued to **November 18, 2009, at 2:30 p.m.**, in Courtroom 4, 5th Floor, United States Courthouse, 280 South First Street, San Jose, California.

Dated: 9/10/09



RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE