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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

Juan Carlos Cuellar, et al.,

NO. C 09-04047 JW

Plaintiffs,

**ORDER TO SHOW CAUSE RE:  
DISMISSAL FOR FAILURE TO SERVE  
DEFENDANTS; CONTINUING CASE  
MANAGEMENT CONFERENCE**

v.

Anthony Fidel Alamillo, et al.,

Defendants.

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This case is scheduled for a Case Management Conference on March 1, 2010. Plaintiffs submitted a Case Management Conference Statement. (See Initial CMC Statement, Docket Item No. 12.) To date, no Defendant has been served, except for Anthony Fidel Alamillo, who was served on January 15, 2010. (See Docket Item No. 6.) Since the Complaint in this case was filed on September 1, 2009, the deadline for service was 120 days from that date—December 30, 2009. See Fed. R. Civ. P. 4(m). Thus, the time for service on Defendants has expired. The record reflects that Plaintiffs have not requested an extension of time for such service.

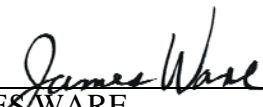
Accordingly, the Court ORDERS Plaintiffs to appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, CA on **March 29, 2009 at 9:00 a.m.** and to show cause, if any, why Plaintiffs' Complaint should not be dismissed as to all unserved Defendants. On or before **March 19, 2009**, Plaintiffs shall file a response to this Order setting forth the reason Plaintiffs have failed to serve Defendants in a timely matter.

Additionally, in light of the fact that Defendant Anthony Fidel Alamillo was only recently served, the Court finds good cause to continue the Case Management Conference. Accordingly, the

1 Court CONTINUES the Case Management Conference to **March 29, 2010 at 10 a.m.** On or before  
2 **March 19, 2010**, the parties shall file a Joint Case Management Statement. The Joint Statement  
3 shall include, among other things, a good faith discovery plan and a proposed date for the close of  
4 all discovery.

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Dated: February 25, 2010

  
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JAMES WARE  
United States District Judge

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**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

James Dal Bon jdblaw@earthlink.net  
Tomas Eduardo Margain margainlaw@hotmail.com

**Dated: February 25, 2010**

**Richard W. Wieking, Clerk**

By:           /s/ JW Chambers            
**Elizabeth Garcia**  
**Courtroom Deputy**