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

ANH QUACH,

CASE NO. 5:12-cv-05037 EJD

**ORDER TO SHOW CAUSE**

Plaintiff(s),

v.

BANK OF AMERICA, NATIONAL  
ASSOCIATION, et. al.,

Defendant(s).

On September 27, 2012, Plaintiff Anh Quach (“Plaintiff”) filed the Complaint underlying this action. See Docket Item No. 1. To date, however, the docket does not contain a proof of service or waiver of service for any defendant, and no defendants have appeared in this action.

Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

The 120-day period for service provided by Rule 4(m) will expire on January 25, 2013. Accordingly, this court issues the instant Order to Show Cause (“OSC”) requiring that Plaintiff, no later than **February 8, 2013**, either: (1) file documents to show proof of service of the Summons and Complaint on defendants; or (2) explain in writing why service has not been accomplished. No

1 hearing will be held on the order to show cause unless otherwise ordered by the court.


2 Plaintiff is notified that the court will dismiss this action if Plaintiff fails to comply with this  
3 OSC or otherwise fail to show good cause as directed above.

4 In light of the OSC, the Case Management Conference scheduled for January 25, 2013, is  
5 VACATED.

6 **IT IS SO ORDERED.**

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8 Dated: January 23, 2013

  
EDWARD J. DAVILA  
United States District Judge

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