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4 **UNITED STATES DISTRICT COURT**
5 **NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**

7
8 AGUSTIN ZARATE,
9 Plaintiff,

10 v.

11 PLAZA HOME MORTGAGE, INC., et al.,
12 Defendants.

Case No. [16-cv-04275-BLF](#)

**ORDER (1) VACATING DISMISSAL, (2)
DISCHARGING ORDER TO SHOW
CAUSE, (3) EXTENDING DEADLINE
FOR SERVING SUMMONS ON
DEFENDANTS, AND (4) RESETTING
CASE MANAGEMENT CONFERENCE**

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14 On December 2, 2016, the Court issued an Order to Show Cause (“OSC”) why the case
15 should not be dismissed for Plaintiff Agustin Zarate’s failure to serve defendants within 90 days
16 after the complaint was filed. ECF 9. In response to the OSC, Zarate has asked the Court for an
17 extension of the time within which to serve Defendants. ECF 10. Zarate stated in his response
18 that he was not able to timely serve Defendants because of other court proceedings, death in the
19 family, and for other reasons. *Id.* Before the Clerk’s Office was able to docket Zarate’s timely
20 response to the OSC, the Court issued a dismissal, which it now VACATES. Additionally,
21 finding good cause, the Court DISCHARGES the prior OSC and GRANTS the motion to extend
22 the deadline for Zarate to serve the Defendants. Plaintiff shall file a valid proof of service for each
23 Defendant **on or before March 6, 2017.**

24 Additionally, the Court RESETS the previously vacated case management conference for
25 April 20, 2017, at 11:00 a.m.

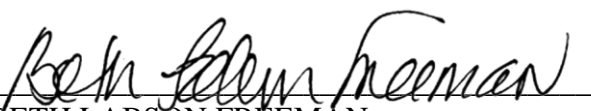
26 If Plaintiff does not file a valid proof of service for each Defendant **on or before March 6,**
27 **2017**, the Court will dismiss the action against all Defendants pursuant to Rule of Civil Procedure
28 41(b) without further notice. Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest*

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Serv., 403 F.3d 683, 689 (9th Cir. 2005).

IT IS SO ORDERED.

Dated: January 5, 2017


BETH LABSON FREEMAN
United States District Judge