

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01653-CMA-MJW

K-BEECH, INC.,

Plaintiff(s),

v.

JOHN DOES 1-35,

Defendant(s).

**ORDER TO SHOW CAUSE
and
ORDER RESETTING RULE 16 SCHEDULING/PLANNING CONFERENCE**

Entered by Magistrate Judge Michael J. Watanabe

This matter was referred to this court by Judge Christine M. Arguello on July 1, 2011. (Docket No. 7).

This action was commenced on June 23, 2011 (Docket No. 1), but to date none of the defendants have been served in this matter. Rule 4(m) of the Federal Rules of Civil Procedure provides in relevant part:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f) or 4(j)(1).

Fed. R. Civ. P. 4(m). In addition, Local Rule 41.1 provides:

A judicial officer may issue an order to show cause why a case should not be dismissed for lack of prosecution or for failure to comply

with these rules, the Federal Rules of Civil Procedure, or any court order. If good cause is not shown within the time set in the show cause order, a district judge or a magistrate judge exercising consent jurisdiction may enter an order of dismissal with or without prejudice.

D.C.COLO.LCivR 41.1.

Based upon the foregoing, it is hereby

ORDERED plaintiff shall forthwith serve the defendants and file returns of service for each. It is further

ORDERED that on **October 31, 2011, at 1:30 p.m.** in Courtroom A-502, fifth floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294, plaintiff shall show cause why this case should not be dismissed pursuant to Fed. R. Civ. P. 4(m) for failing to serve the defendants and failure to prosecute. It is further

ORDERED that the Rule 16 Scheduling/Planning Conference is reset to **October 31, 2011, at 1:30 p.m.** in Courtroom A-502, fifth floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado 80294. The parties shall submit their proposed Scheduling Order and Confidential Settlement Statements on or before **October 26, 2011.**

Date: September 7, 2011
Denver, Colorado

s/ Michael J. Watanabe
Michael J. Watanabe
United States Magistrate Judge
