

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02371-CMA-MJW

K-BEECH, INC.,

Plaintiff(s),

v.

JOHN DOE,

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 September 21, 2011. (Docket No. 7).

This action was commenced on September 8, 2011 (Docket No. 1), but to date the defendant has not yet 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 that on **April 5, 2012, at 9:00 a.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 defendant and failure to prosecute. It is further

ORDERED that the Rule 16 Scheduling/Planning Conference is reset to **April 5, 2012, at 9:00 a.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 **March 30, 2012.**

Date: February 2, 2012
Denver, Colorado

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