

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

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|---------------------|---|------------------|
| TRISTA C. MULVANEY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION NO. |
| v. |) | 2:13cv677-MHT |
| |) | (WO) |
| ANNETTE KANE, |) | |
| |) | |
| Defendant. |) | |

OPINION

On September 19, 2013, plaintiff Trista C. Mulvaney filed her complaint naming Annette Kane as a defendant. See Complaint (Doc. 1) at 4. Pursuant to Federal Rule of Civil Procedure 4(m), Mulvaney was required to serve defendant Kane within 90 days after the complaint was filed. The time for Mulvaney to serve Kane has expired.

Rule 4(m) provides: "If a defendant is not served within 90 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." Fed. R. Civ. P 4(m). However, "[i]f

the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." *Id.*

On March 15, 2021, the court entered an order directing Mulvaney to show cause as to why her claims against defendant Kane should not be dismissed without prejudice due to failure to comply with Federal Rule of Civil Procedure 4(m). See Order (Doc. 87). The response to the court's show-cause order was due March 22, 2021. See *id.* To date, Mulvaney has failed to respond.

As Mulvaney has not sought additional time to effect service and has not shown any cause, good or otherwise, for her failure to serve Kane, the court finds Mulvaney's failure to serve Kane in a timely manner is not supported by good cause. The court concludes that dismissal of Mulvaney's claim against Kane is warranted.

An appropriate judgment will be entered.

DONE, this the 24th day of March, 2021.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE