

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:10CV00026 JLH

DAN A. NICHOLS

DEFENDANT

NOTICE

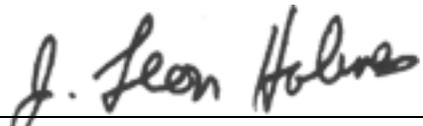
The complaint in this case was filed on January 14, 2010. More than 120 days have passed. Plaintiff has not filed proof of service on defendant.

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

TIME LIMIT FOR SERVICE. 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.

Notice is hereby given to the plaintiff that the Court will dismiss this action without prejudice unless proof of service is filed on or before June 2, 2010, or the plaintiff establishes good cause for the failure to serve summons and complaint within 120 days after the filing of the complaint.

IT IS SO ORDERED this 19th day of May, 2010.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE