

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

CATHIE SIMMONS

PLAINTIFF

v.

NO. 4:11CV00617 JLH

DEPARTMENT OF VETERANS AFFAIRS

DEFENDANT

ORDER

Cathie Simmons filed a complaint in this action on August 10, 2011. On October 13, 2011, she filed three certificates indicating that service had been returned executed. Two of the returns of service show service on the Inspector General for the Department of Veterans Affairs, while one of them shows service on the regional office of the Department of Veterans Affairs.

Rule 4(i)(2) provides:

To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and the complaint by registered or certified mail to the agency, corporation, officer, or employee.

Rule 4(i)(1) provides that to serve the United States a party must deliver a copy of the summons and complaint to the United States Attorney for the district where the action is brought. The party must also send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C. The record does not reflect that summons and complaint have been delivered to the United States Attorney for the Eastern District of Arkansas, nor that a copy of each has been sent by registered or certified mail to the Attorney General.

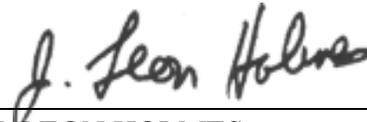
Rule 4(m) provides:

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.

The Court therefore orders plaintiff within 30 days from the entry of this Order to show good cause for her failure to serve the United States pursuant to Rule 4(i). If she fails to do so, this action will be dismissed without prejudice.

IT IS SO ORDERED this 14th day of March, 2012.

A handwritten signature in black ink that reads "J. Leon Holmes". The signature is written in a cursive style with a horizontal line underneath it.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE