

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

MICHAEL A. DUGAS

PLAINTIFF

v.

No. 4:12-cv-250-DPM

JOHN DOE #1

DEFENDANT

ORDER

Dugas has sued “John Doe #1,” alleging unauthorized use of various accounts, such as a Facebook account, and unauthorized disclosure of private information. More than 120 days have elapsed since Dugas filed his complaint, *Document No. 1*, in April 2012. Nothing has happened in the case. Under these circumstances, Federal Rule of Civil Procedure 4(m) requires that the Court either dismiss the action without prejudice or order that service be made within a specified time. The Court will dismiss this action without prejudice if Dugas does not identify and serve a defendant, or show good cause why he cannot do so, by 28 September 2012. If he attempts to show cause, Dugas must also explain how and when he proposes to identify John Doe #1. *Munz v. Parr*, 758 F.2d 1254, 1257 (8th Cir. 1985). The case cannot just sit. If the case goes forward, moreover, Dugas should be prepared to amend

and plead specific facts about the alleged disclosures and injuries.
Conclusory allegations will not suffice. *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

So Ordered.



D.P. Marshall Jr.
United States District Judge

10 September 2012