



1 personal service was attempted, equally without success, even after a further effort to gain an  
2 accurate address was made. Id.

3 Plaintiff must show good cause, within twenty-eight days, why defendant R. Boughn  
4 should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). Under Rule 4(m) of  
5 the Federal Rules of Civil Procedure, the court must dismiss without prejudice an action as to any  
6 defendant who has not been served within 120 days after a complaint has been filed “on motion  
7 or on its own after notice to the plaintiff” or specify a time for service to be effected. However,  
8 “if the plaintiff shows good cause for the failure, the court must extend the service for an  
9 appropriate period.” Id. Absent good cause for the failure of service to be effected upon  
10 defendant Boughn, the court will recommend this defendant’s dismissal without prejudice  
11 pursuant to Fed. R. Civ. P. 4(m).

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff show good cause, within twenty-eight days, why the unserved defendant  
14 Boughn should not be dismissed from this action; and
- 15 2. Failure to show good cause will result in a recommendation of dismissal of defendant  
16 Boughn without prejudice, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

17 DATED: June 27, 2014

18   
19 ALLISON CLAIRE  
20 UNITED STATES MAGISTRATE JUDGE  
21  
22  
23  
24  
25  
26  
27  
28