

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

PHILLIP B. KRIEGE,

Plaintiff,

vs.

GREGG MORIMOTO; MICHAEL A. NUSS; BRENDA ORTEZ PARKS; and HARLEY PARKS,

Defendants.

CIVIL NO. 16-00324 DKW-KJM

**ORDER DISMISSING WITHOUT  
PREJUDICE DEFENDANT  
MICHAEL A. NUSS**

On July 3, 2017, the Court denied Defendants' Motion to Dismiss for lack of service and granted Plaintiff Phillip B. Kriege a final extension of time in which to serve Defendant Michael A. Nuss in accordance with Federal Rule of Civil Procedure 4. Dkt. No. 61 (7/3/17 Order). The Court cautioned Kriege that failure to properly serve Nuss and file a proof of service with the Court by July 13, 2017 would result in the dismissal of Nuss without prejudice. 7/3/17 Order at 2, 15. The Court's instructions to Kriege were clear—

The Court grants Kriege one final extension of time in which to serve Nuss. The Court cautions Kriege that failure to properly serve Nuss and file proof of that service with the Court by **July 13, 2017** will result in Nuss's dismissal without prejudice, without further notice.

*Id.* at 15.

As of the date of this Order, however, Krieger has not filed proof of service as directed or otherwise responded to the Court's July 3, 2017 Order. Nuss is accordingly dismissed without prejudice.

IT IS SO ORDERED.

DATED: July 18, 2017 at Honolulu, Hawai'i.



/s/ Derrick K. Watson

Derrick K. Watson  
United States District Judge

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*Krieger v. Morimoto et al.*, CV. NO. 16-00324 DKW-KJM; **ORDER DISMISSING WITHOUT PREJUDICE DEFENDANT MICHAEL A. NUSS**