

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHN J. DUPONT, RANDY MOSELEY and
UTILICRAFT AEROSPACE INDUSTRIES, INC.,

Plaintiffs,

v.

FREIGHT FEEDER AIRCRAFT CORPORATION,
INC., L. DAVID BRIDGES, R. DARBY BOLAND,
KEVIN WILLIAMS, STEPHEN CARMICHAEL, H.
CLIFF SAYLOR, EDWARD F. EATON, WILL
WEEKS, KIM LITTLEFIELD, and THE FIRST
NATIONAL BANK OF ST. LOUIS,

Defendants.

Case No. 13-cv-256-JPG-DGW

**MEMORANDUM AND
ORDER TO SHOW CAUSE**

This matter comes before the Court for case management purposes. The Court notes that plaintiffs John J. Dupont and Randy Moseley have filed a second amended complaint (Doc. 39). The amended pleading was not filed within the time allowed for amendment of a pleading as a matter of course, and there is no indication in the record that the opposing parties have consented in writing to such an amendment. *See* Fed. R. Civ. P. 15(a). Nor has the Court granted leave to file an amended pleading. *See id.* Additionally, the amended pleading fails to comply with Local Rule 15.1 regarding submission of a proposed amended pleading and underlining new material. For these reasons, the Court **STRIKES** the second amended complaint (Doc. 39).

The Court further notes that there is no evidence in the record that service of process has been effected upon defendants R. Darby Boland, Edward F. Eaton, Will Weeks, and Kim Littlefield within 120 days after the filing of the complaint, as prescribed by Federal Rule of Civil Procedure 4(m). Accordingly, the Court hereby **ORDERS** the plaintiffs to **SHOW CAUSE** on

or before September 6, 2013, why the claims against those defendants should not be dismissed without prejudice for failure to timely effect service. Failure to respond in a timely manner to this order will result in dismissal of those claims.

IT IS SO ORDERED.

DATED: August 20, 2013

s/J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE