

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DZ BANK AG DEUTSCHE)	
ZENTRAL-GENOSSENSCHAFTSBANK, as)	
Agent for Autobahn Funding Company LLC,)	
)	
Plaintiff,)	
v.)	Case No. 10-2126-JAR/JPO
)	
RENATE ALDRIDGE, et al.,)	
)	
Defendants,)	
_____)	

MEMORANDUM AND ORDER

On October 27, 2010, Magistrate Judge James P. O’Hara ordered plaintiff to show cause why its claims against defendants Eagle Security and Guaranty LLC, Lionel Sanabria, H & K Insurance, Inc., and Ricardo M. Gutierrez should not be dismissed without prejudice, for lack of prosecution under Fed. R. Civ. P. 4(m). See Notice and Order to Show Cause (Doc. 37). This matter comes before the Court on Plaintiff’s Response to Notice and Order to Show Cause (Doc. 43) filed November 16, 2010.

Plaintiff has properly served defendants Eagle Security and Guaranty LLC (Doc. 39), Lionel Sanabria (Doc.40), and H & K Insurance, Inc. (Doc. 42). Plaintiff has not been able to locate or serve the final defendant, Ricardo M. Gutierrez.

IT IS THEREFORE ORDERED that plaintiff has shown good cause why this case should not be dismissed as to defendants Eagle Security and Guaranty LLC, Lionel Sanabria, and H & K Insurance, Inc. for lack of prosecution.

IT IS FURTHER ORDERED that all claims against defendant Ricardo M. Gutierrez are hereby dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.

Dated: November 17, 2010

S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE