

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

**ANGELA MARIE BOGUE GILMORE,** )  
 )  
 ) **Plaintiff,** )  
 )  
**v.** )  
 )  
**MARTY SNYDER, et al.,** )  
 )  
 ) **Defendants.** )  
\_\_\_\_\_ )

**CIVIL ACTION**  
**No. 12-1446-KHV**

**MEMORANDUM AND ORDER**

Plaintiff filed her complaint pro se on November 27, 2012. Doc. #1. She has filed both an amended complaint (Doc. #6) filed December 3, 2012, and a second amended complaint (Doc. #16) filed September 5, 2013. Plaintiff has sought and received permission from the Court for two extensions of time to serve summons and complaint: (1) on April 8, 2013, the Court entered an order extending the service deadline until June 27, 2013 (Doc. #10), and (2) on July 18, 2013, the Court entered an order extending the service deadline until October 27, 2013 (Doc. #13). In its July 18, 2013 order, the Court notified plaintiff that it would grant no further extensions.

On January 24, 2014, the Court entered a Notice And Order To Show Cause requiring plaintiff to show good cause in writing on or before March 3, 2014, why service of the summons and complaint have not been made in this case, and why this action should not be dismissed without prejudice. See Notice And Order To Show Cause (Doc. #19) filed January 24, 2014. Plaintiff filed a response on March 3, 2014 (Doc. #22) and an amended response correcting typographical errors on March 4, 2014 (Doc. #23). As cause, plaintiff states that she and her spouse are filing for an annulment and divorce, and that she was in a car accident and has complications from that. Without further explanation, plaintiff seeks at least an additional six months to serve the summons and

complaint.

Rule 4(m) of the Federal Rules of Civil Procedure provides as follows:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). The Court has been lenient in extending the time for service. Plaintiff was put on notice by the Court's July 18, 2013 order that she would receive no further extensions of time. Although the Court is sympathetic to plaintiff's situation, plaintiff has not demonstrated why she has been unable to effectuate service for more than 21 months since she filed her complaint. Accordingly, because plaintiff has failed to show cause for her failure to serve process, the Court must dismiss this action without prejudice.

**IT IS THEREFORE ORDERED** that this action be and hereby is **DISMISSED WITHOUT PREJUDICE.**

Dated this 10th day of March, 2014, at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge