

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHARLES EAGLE BOY,)
)
Plaintiff,)
)
v.)
)
DAN DANAHER, PA, RHONDA)
GABER, LPN, RANDALL WARE,)
C.W., NOORD HOEK, Sgt., and)
O'CONNELL, Officer,)
)
Defendants.)

4:08CV3090

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On August 19, 2008, the court conducted an initial review of the Complaint and permitted Plaintiff's claims to proceed to service. (Filing No. [8](#).) Plaintiff had 120 days, or until December 17, 2008, to complete service of process. Plaintiff has never returned a completed summons form to the Clerk of the court for service on Defendants, and no Defendant has been served with summons. (*See* Docket Sheet.)

Plaintiff shall have until February 23, 2009, to show cause why this case should not be dismissed due to Plaintiff's failure to serve Defendants.

IT IS THEREFORE ORDERED that:

1. Plaintiff failed to serve summons on Defendants by December 17, 2008. Plaintiff shall have until February 23, 2009 to show cause why this case should not be dismissed.
2. If Plaintiff does not respond, or if good cause is not shown, this action will be dismissed without further notice.

3. The Clerk of the court is directed to set a pro se case management deadline with the following text: February 23, 2009: deadline for Plaintiff to show cause why service of process was not completed.

January 23, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge