

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIAM ROBERT BOYER, ) CASE NO. 4:10CV3100  
 )  
 Plaintiff, )  
 )  
 v. ) MEMORANDUM  
 ) AND ORDER  
 DR. SUBRAMANYAM RAJAGOPOL, )  
 et al., )  
 )  
 Defendants. )

This matter is before the court on Plaintiff's "Response regarding Memorandum and Order 10," which the court liberally construes as a Motion for Summons. (Filing No. [11](#).) In his Motion, Plaintiff asks the court to issue to him additional summons forms for service on Defendants. (*Id.* at CM/ECF p. 4.) In accordance with its previous Memorandum and Order, the court will direct the clerk of the court to issue the requested summons forms.

IT IS THEREFORE ORDERED that:

1. Plaintiff's "Response regarding Memorandum and Order 10," which the court liberally construes as a Motion for Summons, is granted. (Filing No. [11](#).)
2. To obtain service of process on Defendants, Plaintiff must complete and return the summons forms that the clerk of the court will provide. The clerk of the court shall send nine summons forms and nine USM-285 forms to Plaintiff together with a copy of this Memorandum and Order. Plaintiff shall, as soon as possible, complete the forms and send the completed forms back to the clerk of the court. In the absence of the forms, service of process cannot occur.
3. Upon receipt of the completed forms, the clerk of the court will sign the summons forms, to be forwarded with a copy of the Complaint to the U.S. Marshal for service of process. The Marshal shall serve the summons and Complaint without payment of costs or fees. Service may be by certified mail pursuant to [Federal Rule of Civil Procedure 4](#) and Nebraska law in the discretion of the Marshal. The clerk of the court will copy the Complaint, and Plaintiff does not need to do so.

4. [Federal Rule of Civil Procedure 4](#) requires service of the complaint on a defendant within 120 days of filing the complaint. As the court set forth in its October 13, 2010, Memorandum and Order, Plaintiff has until February 14, 2011, to serve Defendants with the Complaint. (Filing No. [10](#).)
5. Plaintiff is hereby notified that failure to obtain service of process on a defendant by February 14, 2011, may result in dismissal of this matter without further notice as to such defendant. A defendant has 21 days after receipt of the summons to answer or otherwise respond to a complaint.
6. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court. Plaintiff shall keep the court informed of his current address at all times while this case is pending. Failure to do so may result in dismissal.

DATED this 16<sup>th</sup> day of November, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge

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