Torres v. Astrue Doc. 8

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANCISCO TORRES,	)	**CASE NO. 8:08CV244**
	)	
Plaintiff,	)	
	)	
v.	)	**ORDER**
	)	
MICHAEL J. ASTRUE, as Commissioner of the Social Security Administration,	)	
	)	
Defendant.	)	

This matter is before the Court on the Court's own motion pursuant to Fed. R. Civ. P. 4(m), which states in pertinent part:

> 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.

The court file shows that this case was filed on June 11, 2008, and the 120-day period has expired. The record does not show that the plaintiff has effected service upon the defendant.

IT IS ORDERED that, on or before November 3, 2008, plaintiff shall either:

1. Effect service on the defendant and file proof of same with the court; or

2. Show cause why this case should not be dismissed without prejudice for failure to effect service within the time limit specified in Fed. R. Civ. P. 4(m).

DATED this 20th day of October, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

Dockets.Justia.com