

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHEVRON U.S.A., INC., a)
 Pennsylvania corporation, and)
 CHEVRON INTELLECTUAL)
 PROPERTY LLC, a Delaware limited)
 liability company,)
)
 Plaintiffs,)
)
 v.)
)
 A. RANDAL REITZ, an individual, and)
 DEBRA K. REITZ, an individual,)
)
 Defendants.)
)
 _____)

8:09CV203

DISMISSAL ORDER

This matter is before the Court on the report and recommendation of the magistrate judge, Filing No. 12, suggesting that the Court dismiss this case. The magistrate judge entered an order asking plaintiffs to show cause why the case should not be dismissed, as plaintiffs never sought summonses after filing their complaint. See filing No. 11. Plaintiffs filed their complaint on June 22, 2009. Filing No. 1. Plaintiffs did ask for leave to serve by publication, but there is no indication on the record that publication ever occurred.

The magistrate judge found that pursuant to Fed. R. Civ. P. 4(m) the defendant had not been served within 120 days after the complaint had been filed. He further determined that the plaintiffs failed to provide the court with any reason why the case should not be dismissed. The magistrate judge issued his report and recommendation that the case should be dismissed, and plaintiffs failed to object.

The Court has carefully reviewed the findings and conclusions of the magistrate

judge and finds them to be correct in all respects. Accordingly, the court adopts the recommendation of the magistrate judge and will dismiss this case.

THEREFORE, IT IS ORDERED THAT:

1. The report and recommendation of the magistrate judge, Filing No. 12, is adopted in its entirety; and
2. This case is dismissed without prejudice.

DATED this 4th day of December, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge