

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------------|---|-------------------|
| SHANNON WILLIAMS, |) | 8:09CV282 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| JEFFREY NEWTON, Warden, et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on its own motion. On January 29, 2010, the court ordered Plaintiff to complete service of process on Defendants no later than June 1, 2010. (Filing No. [11](#).) On that date, the Clerk of the court sent six summons forms and six USM-285 forms to Plaintiff for completion and return so that service could be completed by the United States Marshal. (*Id.*) On February 18, 2010, and again on May 3, 2010, the court reminded Plaintiff that he had until June 1, 2010, to complete service of process. (Filing Nos. [17](#) and [19](#).)

On June 4, 2010, Plaintiff sent three USM-285 forms, for Defendants Newton, Korbet, and Colbert, to the Clerk of the court. (Filing No. [21](#).) Plaintiff did not sign these three USM-285 forms, did not submit any completed summons forms, and did not submit a completed USM-285 form for Defendants Foxhall, Stebbins, or Black. (*Id.*) Service can only occur if Plaintiff submits a completed summons form and a completed, signed USM-285 for each Defendant. This matter has been pending for nearly a year and the deadline to complete service of process has passed. On the court's own motion, Plaintiff will be given 60 additional days to serve Defendants. **No additional extensions of time to complete service of process will be granted.**

IT IS THEREFORE ORDERED that:

1. Plaintiff shall have until September 7, 2010, to complete service of process on the remaining Defendants. In the event that Plaintiff fails to complete service of process by

that date, this matter will be dismissed without prejudice and without further notice. **No additional extensions of time to complete service of process will be granted.**

2. To obtain service of process on Defendants, Plaintiff must complete and return the summons forms which the Clerk of the court will provide. The Clerk of the court shall send SIX (6) summons forms and SIX (6) 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 Amended Complaint to the U.S. Marshal for service of process. The Marshal shall serve the summons and Amended Complaint without payment of costs or fees. The Clerk of the court will copy the Amended Complaint, and Plaintiff does not need to do so.

4. Upon completion of service of process, a defendant has twenty (20) days after receipt of the summons to answer or otherwise respond to a complaint.

5. The Clerk of the Court is directed to set a pro se case management deadline in this case with the following text: “**September 7, 2010:** Check for completion of service of summons.”

DATED this 7th day of July, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge