

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**HOWARD HECKENLIVELY,** )  
 )  
**Plaintiff,** )  
 )  
 v. )  
 )  
**LINCOLN NATIONAL LIFE** )  
**INSURANCE COMPANY and** )  
**VISINET, INC.,** )  
 )  
**Defendants.** )  
 )

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**8:10CV141**

**ORDER**

This matter is before the court on the court's own motion pursuant to Fed. R. Civ. P. 4(m), which now provides:

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. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period....

The court file shows that this case was filed on April 14, 2010, and the 120-day period has expired. The record does not show that the plaintiff has effected service upon the defendants.

**IT THEREFORE IS ORDERED** that, on or before **September 10, 2010**, plaintiffs shall either: (1) effect service on the defendants 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 August 23, 2010.**

**BY THE COURT:**

s/ **F.A. Gossett**  
**United States Magistrate Judge**