

**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**

On August 23, 2010, an order was entered requiring the plaintiff, on or before September 10, 2010, to 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)<sup>1</sup>. Plaintiff did not comply with the August 23 order or request an extension of time to effect service. Instead, the plaintiff filed an Amended Complaint on September 15, 2010.

**IT IS ORDERED** that plaintiff shall serve summons and the Amended Complaint on the defendants, and shall file proof of service with the court, no later than **October 1, 2010**. Failure to do so may result in a recommendation that this case be dismissed without prejudice for failure to effect service within the time limit specified in Fed. R. Civ. P. 4(m).

**DATED September 15, 2010.**

**BY THE COURT:**

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

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<sup>1</sup>Fed. R. Civ. P. 4(m) 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.