IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CAROL SAMWAY,	)	
	)	
Plaintiff,	)	**8:12CV103**
	)	
vs.	)	**ORDER**
	)	
RUSTY ECK FORD,	)	
	)	
Defendant.	)	

This matter is before the court *sua sponte*, and pursuant to NECivR 41.2, which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, Fed. R. Civ. P. 4(m) establishes a 120-day time limit for service of process on the defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on March 14, 2012. **See** Filing No. 1. The plaintiff has initiated no other action in this matter. There is no evidence in the record the plaintiff has sought a summons or served process. The deadline for service of process will expire on or about July 16, 2012. The defendant has not made an appearance. It remains the plaintiff's duty to go forward in prosecuting the case. Under the circumstances, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed against the defendant. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on August 2, 2012**, to file evidence of service or show cause why this case should not be dismissed for failure to prosecute the defendant.

Dated this 16th day of July, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

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