

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

**JAMES WIDTFELDT,**

**Plaintiff,**

**vs.**

**JAMES DAUGHERTY,  
INTERNAL REVENUE SERVICE, and  
US TREASURY,**

**Defendants.**

**8:13CV120**

**ORDER**

This matter is before the court after a review of the court file 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, Federal Rule of Civil Procedure 4(m) establishes a 120-day time limit for service of process on any defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on April 15, 2013. **See** Filing No. 1. On the same date, the Clerk of Court issued summonses. **See** Filing No. 2. The plaintiff has initiated no other action in this matter. There is no evidence in the record the plaintiff served process on the defendants. The deadline for service of process expired on or about August 13, 2013. None of the defendants have filed answers or made appearances in the case. 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 defendants. Upon consideration,

**IT IS ORDERED:**

The plaintiff has until the close of business on **December 17, 2013**, to file with the Clerk of Court evidence of service or show cause why this case should not be dismissed as against the defendants for failure to prosecute.

Dated this 13th day of November, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge