

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DEON MAURICE ALLEN,)	
)	
Plaintiff,)	8:13CV214
)	
v.)	
)	
COMMISSIONER OF SOCIAL)	MEMORANDUM AND ORDER
SECURITY,)	
)	
Defendant.)	
_____)	

On July 12, 2013, the plaintiff, Deon Maurice Allen, filed a Pro Se Civil Complaint against the Commissioner of Social Security. (ECF No. 1.) He also filed an application to proceed without prepaying fees or costs. (ECF No. 2.) On July 15, 2013, Senior United States District Court Judge Richard G. Kopf granted Allen’s application to proceed without prepaying the filing fee, directed the clerk of the court to send three summons forms and three USM-285 forms to Allen for service of process on the United States, provided Allen with instructions for completing the forms, noted that service of process must be completed within 120 days of the filing of the complaint, and directed Allen to return the completed forms to the clerk. (ECF No. 4.)

On November 19, 2013, I noted that service of process had not been completed, and I ordered Allen to show cause why this action should not be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m). (ECF No. 6.)¹ Allen

¹ This action was reassigned to me on August 2, 2013. (See ECF No. 5.)

filed a timely response to my order stating that he wants this action to proceed, but he needs help to fill out the forms, and he would like more time to complete them. (ECF No. 7.) He also states that he had a lawyer who was unable to help him, and he will try to obtain assistance from a different lawyer. (Id.) Allen does not specify how much time he requires to complete and return the forms.

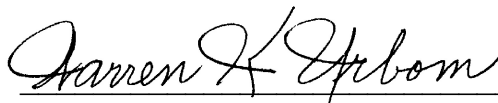
Federal Rule of Civil Procedure 4(m) states, “If a defendant is not served within 120 days after the complaint is filed, the court - - on motion or on its own after notice to the plaintiff - - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”

Allen will be given until January 1, 2014, to complete service of process upon the Commissioner of Social Security. He must complete the forms that were provided to him previously and return them to the clerk as soon as possible so that service of process may be completed before this date. If Allen fails to complete service of process prior to January 1, 2014, this action may be dismissed without further notice.

IT IS ORDERED that Allen shall have until January 1, 2014, to complete service of process upon the defendant. If he fails to do so, this action shall be subject to immediate dismissal without prejudice.

Dated December 10, 2013.

BY THE COURT

A handwritten signature in cursive script, reading "Warren K. Urbom", is written over a horizontal line.

Warren K. Urbom
United States Senior District Judge