

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

**MISSOUE TENGUE,**

**Plaintiff,**

**vs.**

**FATHER FLANAGAN'S BOYS'  
HOME,**

**Defendant.**

**8:15CV252**

**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 July 10, 2015. **See** Filing No. 1. At that time, the Clerk of Court mailed a blank summons form to the plaintiff. **See** Filing No. 2. There is no evidence of service or the plaintiff's return of the service form. No further documents have been filed in this matter. 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 failure to timely serve or the action must be dismissed against the defendant. Upon consideration,

**IT IS ORDERED:**

The plaintiff has until the close of business on **December 10, 2015**, to file with the Clerk of Court evidence of service or show cause why this case should not be dismissed as against the defendant for failure to prosecute.

Dated this 17th day of November, 2015.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge