

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

THOMAS MAJDA, JR.,)
)
 Plaintiff,)
)
 v.)
)
 BRENNA M. MORAY,)
)
 Defendant/Third-Party Plaintiff,)
)
 v.)
)
 THOMAS MAJDA, SAMUEL TROIA,)
 CHARLES O. LUTZ-PRIEFERT, and)
 PATRICK BUCKLEY,)
)
 Third-Party Defendants.)

8:16CV363

ORDER

This matter comes before the court *sua sponte* after review of the court file.

On August 23, 2016, the defendant, Brenna M. Moray, filed a Third-Party Complaint against nonparties Thomas Majda, Samuel Troia, Charles O. Lutz-Priefert, and Patrick Buckley. ([Filing No. 14](#)). Rule 14 of the Federal Rules of Civil Procedure provides, “A defending party may, as third-party plaintiff, serve a summons and complaint on a nonparty who is or may be liable to it for all or part of the claim against it.” [Fed. R. Civ. P. 14\(a\)\(1\)](#). Rule 4 governs service of a summons and complaint. Rule 4 provides, “If a defendant is not served within 90 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.” [Fed. R. Civ. P. 4\(m\)](#). The court must extend the time for service for an appropriate period upon a plaintiff’s showing of good cause for the failure. [Fed. R. Civ. P. 4\(m\)](#).

There is no evidence in the record demonstrating that Moray has served the third party defendants with a summons and the Third-Party Complaint in accordance with [Fed. R. Civ. P. 14\(a\)\(1\)](#) and [Fed. R. Civ. P. 4](#), and none of the third-party defendants have made an appearance in this case. The 90-day deadline for service of process of the Third-Party Complaint has expired. Moray failed to seek an extension of the deadline to complete service on the third-party defendants or provide an explanation for the delay. Under the circumstances, the Moray must make a showing of good cause for the failure to timely serve the third-party defendants, or her Third-Party Complaint will be dismissed. Accordingly,

IT IS ORDERED: Defendant Brenna Moray shall have until **December 28, 2016**, to file with the Clerk of Court evidence of valid service for third-party defendants Thomas Majda, Samuel Troia, Charles O. Lutz-Priefert, and Patrick Buckley, or show cause why her Third-Party Complaint should not be dismissed for failure to prosecute.

DATED: December 12, 2016.

BY THE COURT:

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