

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CELESTE WOOLEY, as Widow of the
Decedent and as Personal Representative of the
ESTATE OF VICTOR WOOLEY, and as
Guardian and Next Friend of ANGELICA
WOOLEY, ISABELLA WOOLEY, Michael
Wooley, VICTOR WOOLEY III, and DANIEL
WOOLEY, minor children;

Plaintiff,

vs.

TIMOTHY A. MEDICINE HORN JR.,
Employee/Agent of Clear Trucking; and
CLEAR TRUCKING,

Defendants.

8:17CV342

ORDER TO SHOW CAUSE

[Federal Rule of Civil Procedure 4\(m\)](#) 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\(m\)](#).

Plaintiff commenced this action on September 20, 2017. ([Filing No. 1](#)). Plaintiff was granted leave to proceed in forma pauperis on the same date ([Filing No. 5](#)) and the Clerk of Court issued summons ([Filing No. 6](#)) for both defendants. Summons were returned unexecuted on October 16, 2017, ([Filing No. 7](#)) and subsequently were reissued on October 17, 2017. ([Filing No. 9](#)). Summons were again returned unexecuted on November 22, 2017, ([Filing No. 12](#); [Filing No. 13](#)), and issued on November 27, 2017. To date, Plaintiff has not filed any return of service indicating service on the defendants, and more than 90-days have elapsed since the complaint was filed. If plaintiff shows good cause for the failure to serve the defendants, the Court will extend the time for service for an appropriate period. See Fed. R. Civ. P. 4(m). Accordingly,

IT IS ORDERED that Plaintiff shall have until January 16, 2018, to show cause why this case should not be dismissed pursuant to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of

prosecution. The failure to timely comply with this order may result in dismissal of this action without further notice.

Dated this 28th day of December, 2017.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge