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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RIGHTHAVEN LLC,

Plaintiff,

v.

CHARLES W. JOHNSON, *et al.*,

Defendants.

Case No. 2:10-CV-01534-KJD-PAL

**ORDER**

Plaintiff's Complaint (#1) was filed September 9, 2010. Service of the summons and complaint was executed on Defendant Charles W. Johnson on September 23, 2010. Defendant Johnson's answer was due on October 14, 2010. However, Defendant Johnson has failed to answer or otherwise respond to the complaint. Therefore, Plaintiff is ordered to file a status report, motion for default judgment, or notice of voluntary dismissal as to Defendant Johnson no later than January 31, 2011.

Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be made upon a defendant 120 days after the filing of the complaint. The 120 day time period for effecting service of the summons and complaint upon Defendant Rad Geek Enterprises expired no later than January 7, 2011. Plaintiff has not yet filed proof of service.

Accordingly, IT IS HEREBY ORDERED that Plaintiff shall have up to and including

1 January 31, 2011 to file proof of service of the summons and complaint upon Defendant Rad Geek  
2 Enterprises within the allowed time. If Plaintiff fails to respond or to file proof of service, the Court  
3 will dismiss the complaint against Defendant Rad Geek Enterprises without prejudice in accordance  
4 with Federal Rule of Civil Procedure 4(m).

5 **IT IS SO ORDERED.**

6 DATED this 11<sup>th</sup> day of January 2011.

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Kent J. Dawson  
United States District Judge

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