

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Christopher W. Eckler

v.

Civil No. 10-cv-375-SM

Mortgage Electronic
Registration Systems, Inc.

O R D E R

Pro se plaintiff Christopher Eckler filed suit against Mortgage Electronic Registration Systems, Inc., on August 25, 2010. On that date, the Clerk's Office of this Court mailed plaintiff a summons and waiver for defendant.

Plaintiff is required to serve a summons and a copy of the complaint upon a defendant within 120 days of the date the complaint was filed or else the court will dismiss the case for failure to prosecute. See Fed. R. Civ. P. 4(m).¹ As of December 9, 2010, 106 days after the complaint in this case was filed, plaintiff has not filed any certificate of service indicating that defendant has been served with a copy of the complaint. In accordance with Fed. R. Civ. P. 4(m), service is to be made by

¹Fed. R. Civ. P. 4(m) states, in relevant part:

If a defendant is not served within 120 days after the complaint is filed, the court - upon 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.

December 23, 2010. Plaintiff is hereby notified that this case will be dismissed without prejudice on that date, unless the Court receives return of service documents or a motion to extend time to effect service demonstrating good cause for plaintiff's failure to effect service, by that date.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: December 9, 2010

cc: Christopher W. Eckler, pro se

LBM:jba