

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**ROBERT JAGER d/b/a ROBERT  
JAGER EQUIPMENT CO.,**

**Plaintiff,**

**v.**

**FLEET MANAGEMENT ROAD  
SERVICE and J&M TOWING,**

**Defendants.**

Civ. No. 14-8130 (KM)

**MEMORANDUM & ORDER**

**MCNULTY, U.S.D.J.:**

This matter comes before the Court on the unopposed motion of *pro se* Plaintiff Robert Jager, doing business as Robert Jager Equipment Co. ("Jager") to vacate this Court's prior dismissal of this action and reopen the case. (Dkt. No. 6)

Jager initiated this action by filing a complaint in this Court on December 31, 2014 and Summons were issued on January 5, 2015. (Dkt. Nos. 1, 2) This Court issued an Order to Show Cause on May 11, 2015, why the complaint should not be dismissed for lack of prosecution, to which there was no response. (Dkt. No. 3) On June 23, 2015, the Court issued an order dismissing the case without prejudice for failure to serve the defendants within 120 days as set forth in Federal Rule of Civil Procedure 4(m). (Dkt. No. 4)

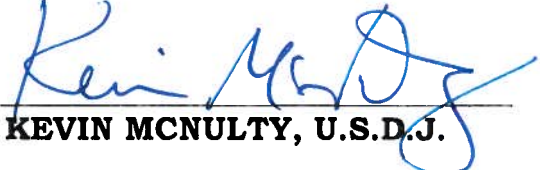
On July 1, 2015, the Summons was returned executed, demonstrating that service had been effected on both defendants, Fleet Management Road Service and J&M Towing, on June 25, 2015. (Dkt. No. 5) In his motion to reopen, Jager states that he is in poor health and acknowledges that he mistakenly thought he had 180 days in which to serve the defendants. (Dkt.

No. 6) Although service was not effected within the time allotted by the Federal Rules, I find that good cause to reopen the case has been shown.

Accordingly, **IT IS** this 25<sup>th</sup> day of November, 2015,

**ORDERED** that the Clerk of the Court shall reopen this case; and it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.

  
**KEVIN MCNULTY, U.S.D.J.**