

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALFRED R. ROMERO,

Plaintiff,

vs.

No. CV 17-999 CG

NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court, *sua sponte*. FED. R. CIV. P. 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.

Plaintiff's *Complaint*, (Doc. 1), was filed on October 4, 2017, and Plaintiff's *Application to Proceed in District Court Without Prepaying Fees or Costs*, (Doc. 2), was denied without prejudice on October 10, 2017. No action has been taken in this case since then, and the record reflects that Defendant has not yet been served. Pursuant to FED. R. CIV. P. 4(m), the Court finds that Plaintiff must either effect service or show good cause why Defendant has not been served. Failure to comply with the Court's order may result in dismissal of this case without prejudice.

IT IS THEREFORE ORDERED that on or before **February 15, 2018**, Plaintiff must either effect service or provide the Court with a written explanation showing good cause why Defendant has not been served.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE