

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:17-CV-42-BO

SHISHIR OJHA,

Plaintiff,

v.

SOUTHEASTERN REGIONAL
MEDICAL CENTER, *et al.*,

Defendants.

ORDER


This cause comes before the Court on plaintiff's motion requesting the clerk to re-issue summons. [DE 8]. Plaintiff, proceeding *pro se*, filed this action on February 27, 2017. Summons were issued on March 6, 2017. The time for making service on defendants expired ninety days after the filing of the complaint, or on May 29, 2017. Fed R. Civ. P. 4(m). Plaintiff filed the instant motion on August 16, 2017.

Rule 4(m) of the Federal Rules of Civil Procedure provides that a court must dismiss an action without prejudice as to any defendant who is not served within ninety days after the complaint is filed, or order that the defendant be served within a specified time. Fed. R. Civ. P. 4(m). A court must extend the time for making service if the plaintiff has shown good cause. *Id.*

Here, plaintiff sought re-issuance of the summons two months after the deadline for making service on defendants had passed. Plaintiff indicates in his motion that he previously served defendants by certified mail in late April or early March, but he has failed to file any proof of service or attempted service. Plaintiff has failed to demonstrate good cause, and his motion [DE 8] is DENIED. Plaintiff is hereby ORDERED to SHOW CAUSE why this action should not be

dismissed without prejudice for failure to effect service within the time provided by Rule 4. Plaintiff shall respond to this order not later than October 13, 2017. Failure to respond within the time allowed will result in summary dismissal of this action.

SO ORDERED, this 6 day of October, 2017.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE