

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-cv-99-RJC-DCK**

TOP GUN SALES & MARKETING, INC.,)
JEFFREY WHITE, and KRISTEL WHITE,)
)
Plaintiffs,)
)
vs.)
)
TURBO ION, INC.,)
)
Defendant.)
_____)

ORDER

THIS MATTER comes before the Court sua sponte. Plaintiffs filed their Complaint on February 15, 2013. (Doc. No. 1). The case docket reflects that a summons was issued by the Clerk of the Court on February 19, 2013 for service of the Complaint on Defendant. (Doc. No. 2). However, the docket contains neither (1) a return of summons or proof of service of the Complaint on Defendant nor (2) an executed waiver of service by Defendant. Federal Rule of Civil Procedure 4(m) provides as follows:

If a defendant is not served within 120 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. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Plaintiffs had until June 17, 2013 to serve their Complaint on Defendant. The time has now expired. Plaintiffs are hereby warned that if they do not serve their Complaint on Defendant within 14 days, their case will be **DISMISSED** without prejudice.

IT IS, THEREFORE, ORDERED that Plaintiffs shall serve their Complaint on Defendant and provide this Court with proof of service within 14 days. **FAILURE TO**

**PROVIDE THE COURT WITH PROOF OF SERVICE WITHIN 14 DAYS WILL
RESULT IN DISMISSAL OF ALL CLAIMS AGAINST DEFENDANT.**

Signed: July 8, 2013

A handwritten signature in cursive script that reads "Robert J. Conrad, Jr." is written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

