

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Joe Simpson,)	C/A No.: 0:14-3892-TLW-SVH
)	
Plaintiff,)	
)	ORDER FOR
vs.)	RULE TO SHOW CAUSE
)	
City of Rock Hill and Ray Murphy,)	
)	
Defendants.)	
)	

This matter comes before the court on a review of the docket in this case, which reveals no evidence that plaintiff has effected service on defendant Ray Murphy (“Murphy”). The summons was issued on October 6, 2014, and it expired on February 6, 2015. Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, 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.

Fed. R. Civ. P. 4(m).

Plaintiff is hereby placed on notice that unless good cause is shown to the court by February 18, 2015, for his failure to effect service of the summons and complaint on Murphy, plaintiff’s action will be recommended for dismissal without prejudice as to Murphy. To the extent that service has been effected, plaintiff is reminded of Fed. R. Civ. P. 4(1), which requires proof of service must be made to the court.

It is therefore ordered that plaintiff shall show good cause by February 18, 2015, for the failure to effect service or for the failure to file proof of service. Plaintiff's failure to respond in writing will result in a recommendation of dismissal of Murphy without prejudice of this action.

IT IS SO ORDERED.



February 11, 2015
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge