

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WRIGHT ASPHALT PRODUCTS CO.,
LLC,

Plaintiff,

VS.

PELICAN REFINING COMPANY, LLC.,

Defendant.

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CIVIL ACTION NO. H-09-1145

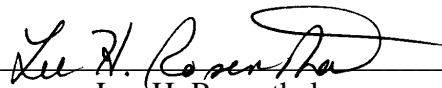
ORDER

Service of this action, filed on April 17, 2009, has not been effected. Federal Rule of Civil Procedure 4(m) provides in part:

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.

In accordance with this rule, it is ORDERED that the plaintiff file proof that it has effected service no later than **August 30, 2009**. Failure to do so may lead to dismissal of this action without prejudice. The initial pretrial and scheduling conference set for August 28, 2009 is canceled. It will be reset, if appropriate, once proof of service is filed.

SIGNED on July 9, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge