

FILED
2020 SEP 25 AM 9:40
CLERK
U.S. DISTRICT COURT

IN THE UNITED STATE DISTRICT COURT
STATE OF UTAH, NORTHERN DIVISION

BONNIE LOU CONGER,

Plaintiff,

vs.

**HOME DEPOT USA, TARACA
PACIFIC, LINYI HENG SHENG WOOD
INDUSTRY CO.,**

Defendants.

ORDER TO SHOW CAUSE

Case No. 1:20-cv-00043-DBP

Magistrate Judge Dustin B. Pead

On April 24, 2020, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Home Depot removed the above entitled action to federal court. (ECF No. 2.) Defendants Home Depot and Taraca Pacific have accepted service and filed Answers. (ECF No. 2-2; 2-3; 4-2; 4-7; 8; 9.) There is no indication, however, that Defendant Linyi Heng Sheng Wood Industry Co. has been served and the time within which to do so has expired.

Federal Rule of Civil Procedure 4(m) requires service within 90 days after a complaint is filed. Specifically, the rule states:

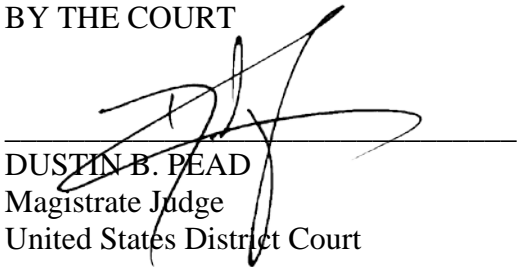
If defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

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

Accordingly, Plaintiff is hereby Ordered to Show Cause, within seven (7) days of the date of this Order, as to why her claims against Defendant Linyi Heng Sheng Wood Industry Co. should not be dismissed for failure to effect timely service. Plaintiffs' failure to show cause by **October 2, 2020** will result in a recommendation of dismissal as to this Defendant.

DATED this 25th day of September, 2020.

BY THE COURT



DUSTIN B. PEAD
Magistrate Judge
United States District Court