

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SUSAN MOORE,

Plaintiff,

v.

MICHAEL LIBBY and DIANE
WHEELER,

Defendants.

Case No. 18-CV-276-JPS

ORDER

Plaintiff filed her complaint on February 22, 2018, alleging unlawful discrimination by supervisors at her former place of employment. (Docket #1). The Court denied Plaintiff's request for leave to proceed *in forma pauperis* on February 23, 2018, finding that she had sufficient means to pay the \$400.00 filing fee for this action. (Docket #3). Plaintiff remitted the entire filing fee on March 13, 2018. Nothing has transpired in the case since that time.

This matter is before the Court on the issue of service of process. Federal Rule of Civil Procedure 4(m) provides, in relevant part:

If a 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). The 90-day service deadline expired on May 23, 2018.

Plaintiff never requested the issuance of summons for Defendants, and no summons were ever issued. Because she is not proceeding *in forma*

pauperis, Plaintiff was obligated to request that summons be issued by the Clerk of the Court and to promptly effect service of the summons and the complaint upon Defendants in compliance with Rule 4. On the present state of the record, it does not appear that either of these things has occurred.

Consequently, no later than **July 3, 2018**, Plaintiff must file returns of service showing timely service upon Defendants or otherwise explain why good cause exists to extend the Rule 4(m) service deadline. Failure to do so will result in dismissal of this action without prejudice.

Accordingly,

IT IS ORDERED that, no later than **July 3, 2018**, Plaintiff must file returns of service showing timely service upon Defendants or otherwise explain why good cause exists to extend the Rule 4(m) service deadline.

Dated at Milwaukee, Wisconsin, this 19th day of June, 2018.

BY THE COURT:



J. P. Stadtmueller
U.S. District Judge