

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MALIBU MEDIA, LLC,

Plaintiff,

v.

JOHN DOES 1–5,

Defendants.

Civil Action No. 12-1809 (BAH)

Judge Beryl A. Howell

ORDER

The Complaint in this action was filed on November 7, 2013. *See* ECF No. 1. The Federal Rules of Civil Procedure require that “[i]f 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.” FED. R. CIV. P. 4(m). The Federal Rules further provide that “[u]nless service is waived, proof of service must be made to the court,” which “must be by the server’s affidavit” unless service is made by a United States marshal or deputy marshal. *See* FED. R. CIV. P. 4(l)(1); *see also* LCvR 5.3. The plaintiff’s 120 days for service of the summons and complaint lapsed on March 7, 2013, but no proof of service has been filed with the Court, and no motion for extension of time to serve has been filed.

Accordingly, the plaintiff is hereby

ORDERED TO SHOW CAUSE why this action should not be dismissed for failure to prosecute. *See* LCvR 83.23. The plaintiff shall file, by April 1, 2013, either (1) proof of service on at least one defendant; or (2) a motion for extension of time to serve defendants that sets forth good cause why the extension should be granted *nunc pro tunc*.

SO ORDERED.

Date: March 20, 2013

/s/ Beryl A. Howell

BERYL A. HOWELL
United States District Judge