



1 person, rather than Mr. Jones." (#8) This court granted the motion  
2 to withdraw (#8) on August 6, 2010 (#9). Since August 6, 2010, no  
3 action has been taken in this case until plaintiff's attorney Shawn  
4 Mangano filed a notice of appearance (#10) on April 6, 2011. On  
5 June 19, 2011, plaintiff filed a second certificate of interested  
6 parties (#11). The record does not reflect that plaintiff has re-  
7 served the defendant.

8 Federal Rule of Civil Procedure 4(m) requires a defendant be  
9 served within 120 days after the complaint is filed. Fed. R. Civ.  
10 P. 4(m). If the defendant is not served within that time period,  
11 "the court - on motion or on its own after notice to the plaintiff  
12 - must dismiss the action without prejudice against that defendant  
13 or order that service be made within a specified time." *Id.* If the  
14 plaintiff can show "good cause for the failure, the court must  
15 extend the time for service for an appropriate period." *Id.*

16 Accordingly, plaintiff shall have ten (10) days from the date  
17 of this order in which to show cause as to why this case should not  
18 be dismissed pursuant to Federal Rule of Civil Procedure 4(m).

19 **IT IS SO ORDERED.**

20 DATED: This 21st day of June, 2011.

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23 UNITED STATES DISTRICT JUDGE