IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

FIMMEN & ASSOCIATES, LLC,
Plaintiff,
v.
MING SHIN PLASTICS INDUSTRY,
Defendant.

CIVIL ACTION No. 05-2312-CM

MEMORANDUM AND ORDER

Plaintiff filed the Complaint in this case on July 21, 2005. On November 30, 2005, Magistrate Judge Waxse ordered plaintiff to show good cause why service of the summons and complaint was not made upon defendant within 120 days from the filing of the complaint. On December 6, 2005, plaintiff responded by stating that several circumstances, including settlement discussions, delayed service. Plaintiff requested an additional amount of time for service to be made. Finding good cause shown, the court granted plaintiff's request for an extension and granted an additional 120 days to serve process.

Plaintiff has not, as of this date, effected proper service, and plaintiff's extension of time has past. Accordingly, plaintiff is directed to show cause, in writing, on or before April 27, 2006, why service of the summons and complaint has not been made. If plaintiff fails to respond to this Order by April 27, 2006, the court will dismiss plaintiff's complaint without prejudice.

IT IS SO ORDERED.

Dated this <u>20th</u> day of April 2006, at Kansas City, Kansas.

<u>s/ Carlos Murguia</u> CARLOS MURGUIA United States District Judge