

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>JAMES B. TODD,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION</b>
	)	
<b>v.</b>	)	<b>No. 06-2183 KHV</b>
	)	
<b>RANDY J. KAETER, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**ORDER**

On May 5, 2006, plaintiff filed a civil complaint. As of September 14, 2006, the files and records of the Court did not disclose that service of the summons and complaint had been accomplished under Fed. R. Civ. P. 4(m) on defendants Randy J. Kaeter and Jennifer Kaeter.<sup>1</sup> The Court therefore ordered plaintiff to show good cause in writing on or before September 29, 2006, why service of the summons and complaint had not been made on these defendants within 120 days from the filing of the complaint, and further show good cause in writing why his claims against these defendants should not be dismissed in their entirety without prejudice. See Notice And Order To Show Cause (Doc. #11).

Plaintiff has not responded to the show cause order. The Court therefore finds that plaintiff's

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<sup>1</sup> That rule provides as follows: "If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period."

claims against Randy J. Kaeter and Jennifer Kaeter should be dismissed in their entirety without prejudice.

**IT IS SO ORDERED.**

Dated this 20th day of October, 2006 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
KATHRYN H. VRATIL  
United States District Judge