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

DARRELL BANKS,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	
	)	No. 07-2176-CM-JPO
ROOFERS LOCAL NO. 20 JOINT	)	
APPRENTICESHIP FUND, et al.,	)	
	)	
Defendants.	)	
	)	

## **ORDER**

Plaintiff filed the complaint in this case on April 27. 2007. On December 4, 2007, the court entered an order (Doc. 4) requiring plaintiff to show cause on or before December 21, 2007, why service of the summons and complaint was not made in this case upon defendants Johnson County Unified Wastewater and Board of Trustees of Roofers Local No. 20 Joint Apprenticeship Fund within 120 days from the filing of the complaint, as required by Fed. R. Civ. P. 4(m).

Plaintiff has failed to comply with the court's order. Specifically, plaintiff has not communicated to the court any reason for the failure to effect service. Further, there is no evidence that plaintiff has, in fact, effected service. Under such circumstances, pursuant to Fed. R. Civ. P. 4(m), the court "upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice . . ."

Accordingly, because plaintiff has failed to effect service and failed to show good cause to the court why such service was not made, **IT IS HEREBY ORDERED** that plaintiff's complaint

is dismissed with respect to Board of Trustees of Roofers Local No. 20 Joint Apprenticeship Fund.

## IT IS SO ORDERED.

Dated this 9th day of January 2008 at Kansas City, Kansas.

s/ Carlos Murguia CARLOS MURGUIA United States District Judge