

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

DARSHAWN WITHERSPOON,)	
)	
Plaintiff,)	CIVIL ACTION
)	
v.)	No. 08-2102-KHV
)	
WYANDOTTE COUNTY, KANSAS,)	
)	
Defendant.)	
_____)	

ORDER

On March 6, 2008, plaintiff filed a civil complaint. On March 31 and September 2, 2008, the Court overruled plaintiff's motions to proceed in forma pauperis. See Order (Doc. #3) filed March 31, 2008; Order (Doc. #11) filed September 2, 2008. As of October 8, 2008, the files and records of the Court did not disclose that the filing fee had been paid or that service of the summons and complaint had been accomplished under Fed. R. Civ. P. 4(m).¹ The Court therefore ordered plaintiff to show good cause in writing on or before October 27, 2008, why the filing fee had not been paid and why service of the summons and complaint had not been made within 120 days from the filing of the complaint, and further show good cause in writing why this action should not be dismissed without prejudice. See Notice And Order To Show Cause (Doc. #13).

Plaintiff has not responded to the show cause order. The Court therefore finds that this action should be dismissed in its entirety without prejudice.

¹ 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."

IT IS SO ORDERED.

Dated this 5th day of November, 2008 at Kansas City, Kansas.

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