

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

NATALIE MAYSONET,

Plaintiff

vs.

Case No. 14-4124-SAC

CABADAS CORPORATION,  
d/b/a EL TAPATIO,

Defendant.

MEMORANDUM AND ORDER

The plaintiff, Natalie Maysonet, filed her complaint in December of 2014. She alleged the defendant Cabadas Corporation had employed her as a waitress at its restaurant and had subjected her to unlawful employment practices. On April 23, 2015, the Magistrate Judge filed a notice and order to show cause to the plaintiff and her attorney. The order explained that more than 120 days had passed since the plaintiff filed her complaint, and yet, “the docket lacks any indication that plaintiff has served the defendant.” (Dk. 3). The order gave the plaintiff until May 7, 2015, to show cause in writing to this court why the case should not be dismissed because of the plaintiff’s failure to serve the defendants within 120 days.

The plaintiff has filed nothing in response to the show cause order, and the deadline has passed for filing a response. “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without

prejudice against that defendant or order that service be made within a specified time." As there has been no docket activity by the plaintiff since the complaint was filed and the plaintiff has not responded to the court's notice and show cause order, the court shall dismiss the action without prejudice.

IT IS SO ORDERED.

Dated this 12<sup>th</sup> day of June, 2015, Topeka, Kansas.

s/Sam A. Crow  
Sam A. Crow, U.S. District Senior Judge