

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

|  |   |                           |
|--|---|---------------------------|
| EDDIE SHIELDS, formerly known as       | ) |                           |
| Eddie Porter                           | ) |                           |
|  | ) |                           |
| Plaintiff,                             | ) |                           |
|  | ) |                           |
| v.                                     | ) | Case No. 21-01057-HLT-KGG |
|  | ) |                           |
| TEXTRON, INC., and its representatives | ) |                           |
|  | ) |                           |
| Defendant.                             | ) |                           |
|  | ) |                           |

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**ORDER TO SHOW CAUSE**

Plaintiff, Eddie Shields, filed his complaint on February 26, 2021. Service was executed upon the Defendant, Textron, Inc., on March 8, 2021. The record indicates that service was executed by the Plaintiff, Eddie Shields. (Doc. 5). Service must be executed by a non-party. Fed. R. Civ. P. 4(c)(2). Moreover, Plaintiff has not taken any steps to advance the suit since serving Textron, Inc. Where a plaintiff fails to prosecute his case, the court has discretion to involuntarily dismiss the case. Fed. R. Civ. P. 41(b). *See AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1233, 1236 (10th Cir. 2009); *Rogers v. Andrus Transp. Servs.*, 502 F.3d 1147, 1151 (10th Cir. 2007).

Here, Mr. Shields executed service as a party to the suit and has not taken action to advance the case. The court therefore orders Mr. Shields to show cause on or before October 15, 2021, why the undersigned should not recommend that

this case be dismissed for failure to prosecute. Failure to respond to this order to show cause may result in the dismissal of this action pursuant to Rule 41(b).

**IT IS SO ORDERED.**

Dated September 2, 2021, at Wichita, Kansas.

S/ KENNETH G. GALE  
Kenneth G. Gale  
U.S. Magistrate Judge