

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

CUSTOMBILT FIREARMS MANUFACTURING,
INC.,

Plaintiff,

v.

UNITED STATES DEPT. OF JUSTICE,
BUREAU OF ALCOHOL, TOBACCO, AND
EXPLOSIVES,

Defendant.

Case No. 23-2318-KHV-BGS

ORDER TO SHOW CAUSE

On July 20, 2023, Plaintiff, represented by counsel Jeffery Sutton, filed its federal court Complaint and civil cover sheet. (Docs. 1, 2.) A Notice of Deficiency was issued that same day, instructing Plaintiff that the designation of place of trial was missing. (7/20/23 text entry.) Plaintiff's counsel immediately filed the designation. (Doc. 3.) No further filings or notices have been filed by Plaintiff since July 20, 2023.

Staff for the undersigned Magistrate Judge emailed Plaintiff's counsel on October 19, 2023, requesting a status report. Plaintiff's counsel responded the next day indicating that he was "finalizing an amended petition [sic] to add a second Plaintiff, personally, who is the permitted dealer for Custombilt and has a personal license that is being revoked." To date, no amended pleading has been filed by Plaintiff. Further, there is no indication Plaintiff has even attempted to serve Defendant with the Complaint.

Pursuant to Fed. R. Civ. P. 4(m),

[i]f a defendant is not served within 90 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. But if the plaintiff shows

good cause for the failure, the court must extend the time for service for an appropriate period.

Accordingly, the Court orders Plaintiff to show cause in writing by January 24, 2024, why the Court should not recommend to the District Court that the claims against Defendant be dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m).

IT IS SO ORDERED.

Dated January 17, 2024, at Wichita, Kansas.

/s/BROOKS G. SEVERSON

Brooks G. Severson
U.S. Magistrate Judge