

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

CASE NUMBER: 15-cv-11500

HONORABLE STEPHEN J. MURPHY, III

JASON RESSLER,

Defendants.

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**ORDER TO SHOW CAUSE**

Federal Rule of Civil Procedure 4(m) provides that "[i]f 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." Fed. R. Civ. P. 4(m). It also requires that a court extend the 120-day service period for "an appropriate period" upon a showing of "good cause." *Id.* On August 26, 2015, the Court granted Plaintiff's ex parte motion to extend the time for service, and gave Plaintiff until September 26, 2015 to effectuate service of a summons and Complaint. ECF No. 9. Civil Rule 4(m)'s 120-day period for service and the extension granted by the Court have elapsed, and there is nothing in the record to suggest the Defendants have been served.

**WHEREFORE** it is hereby **ORDERED** that Plaintiff shall, within seven (7) days of this order, either file proof of service of process or otherwise show good cause for its failure to timely serve the Defendant. Failure to comply with the terms of this Order will result in dismissal of the Complaint without prejudice and without further notice or hearing.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: October 9, 2015

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 9, 2015, by electronic and/or ordinary mail.

Carol Cohron  
Case Manager