

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

JOSEPH E. SIMANONOK,

Plaintiff

v.

TOWN OF WATERBORO, et al,

Defendants

Civil No. 96-357-P-C

GENE CARTER, District Judge

MEMORANDUM OF DECISION AND ORDER

Before the Court for consideration at this time is Plaintiff's Response/Motion to 14 April 97 Court Order to Show Cause (Docket No. 26) why this case should not be dismissed against certain Defendants for failure to accomplish service of process upon those Defendants within the time period provided by F. R. Civ. P. 4(m). This Court entered its Order to Show Cause (Docket No. 25) why this matter should not be dismissed against those Defendants, Town of Waterboro, Venduro Foglio, Lawrence Morrill, and Kerry Perkins, for failure to effect service of process within 120 days of the filing of this matter.

Plaintiff's Response reflects an effort to invoke the provisions of F. R. Civ. P. 4(d)(1) and (2) in respect to service by mail. Plaintiff has not filed with the Response, however, any materials of evidentiary quality showing that any of the requirements of Rule 4(d)(2)(A)-(F) relating to such service have

been complied with. Nor has Plaintiff filed any statement of the reasons as to why such steps and other steps necessary to accomplish valid service have not been completed within the prescribed 120-day period.

Accordingly, the Court FINDS that Plaintiff has failed to show sufficient cause why this matter should not be dismissed as against the aforesaid Defendants in accordance with the original Order to Show Cause.

It is hereby ORDERED that the Complaint herein be, and it is hereby, DISMISSED as to Defendants Town of Waterboro, Venduro Foglio, Lawrence Morrill, and Kerry Perkins.

GENE CARTER
District Judge

Dated at Portland, Maine this 12th day of May, 1997.