

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANYA HOSKINS,

Plaintiff,

v.

TOUCHETTE REGIONAL HOSPITAL,

Defendant.

Case No. 11-cv-1090-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Anya Hoskins' response (Doc. 9) to the Court's August 27, 2012, order to show cause (Doc. 8) why this case should not be dismissed without prejudice for failure to timely effect service. In her response, Hoskins states that she does not know what she is required to do and asks for an extension of time. The Court construes the motion as pursuant to Federal Rule of Civil Procedure 4(m).

Rule 4(m) governs the time in which process must be served. That rule provides, in pertinent part:

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. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

Fed. R. Civ. P. 4(m). This rule requires a court to grant an extension if the plaintiff shows good cause, but leaves it to the court's discretion whether to grant an extension if the plaintiff shows excusable neglect. *Coleman v. Milwaukee Bd. of Sch. Directors*, 290 F.3d 932, 934 (7th Cir. 2002); *Panaras v. Liquid Carbonic Indus. Corp.*, 94 F.3d 338, 340-41 (7th Cir. 1996).

The Court finds Hoskins has demonstrated excusable neglect for failure to serve the defendant in a timely manner and that an extension of time for service is warranted.

Accordingly, the Court **GRANTS** her motion (Doc. 9) and **ORDERS** that she shall have up to and including November 30, 2012, to complete service on the defendant.

Instructions for what Hoskins must do to effect service are included in the Court's December 16, 2011, order (Doc. 6) granting her leave to proceed *in forma pauperis*:

If the plaintiff wishes the United States Marshal Service to serve process in this case, the Court **DIRECTS** the plaintiff to provide to the United States Marshal Service the summons issued in this case, the appropriately completed USM-285 forms and sufficient copies of the complaint for service.

She may wish to consult Rule 4, a copy of which is available for public review at the Clerk's Office. Summons and USM-285 forms are also available at the Clerk's Office. The Court encourages Hoskins provide the appropriate paperwork to the United States Marshal Service quickly because it often takes time for service to be completed. If service is not completed on or before November 30, 2012, the Court will dismiss this case without prejudice pursuant to Rule 4(m).

**IT IS SO ORDERED.**

**DATED: September 14, 2012**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**