

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 98-30778

NIKKI LEADER,

Plaintiff-Appellant,

VERSUS

SCHOOL BOARD OF THE PARISH OF LIVINGSTON, LOUISIANA; J. ROGERS
POPE; AND J. LLOYD WAX,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
(97-CV-878)

February 12, 1999

Before DAVIS, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant appeals the dismissal of her suit against Defendants-Appellees for failure to timely serve Defendants-Appellees in accordance with FED.R.CIV.P. 4(m) and also appeals the denial of her Motion for Reconsideration.

FED.R.CIV.P. 4(m) authorizes a district court to dismiss a complaint if not timely served, unless good cause is shown for the failure. If good cause is shown, the district court must extend the time for service of process. Even if good cause is not shown, however, the district court may, in its discretion, extend the time

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

for service of process. *Thompson v. Brown*, 91 F.3d 20 (5th Cir. 1996).

In the present case, the district court correctly relied upon the definition of "good cause" in *Lindsey v. United States Railroad Retirement Bd.*, 101 F.3d 444 (5th Cir. 1996). See *McGinnis v. Shalala*, 2 F.3d 548, 550 n.1 (5th Cir.), *reh'g en banc denied*, 5 F.3d 530 (5th Cir. 1993), *cert. denied*, 510 U.S. 1191, 114 S.Ct. 1293, 127 L.Ed.2d 647 (1994) (noting that *Pioneer Investment Services Co. v. Brunswick Associated Limited Partnership*, 507 U.S. 380, 113 S.Ct. 1489, 123 L.Ed.2d 74 (1993), did not change the standard of good cause under FED.R.CIV.P. 4(m)). The district court found that Plaintiff-Appellant had not shown good cause and granted the Motion to Dismiss. We find no abuse of discretion in this decision and affirm the district court's Judgment of April 6, 1998.

On reconsideration, the district court again found that Plaintiff-Appellant had not shown good cause and also declined to exercise its discretion to extend the time for service of process even when good cause is not shown. We find no abuse of discretion in this decision and affirm the district court's Ruling of June 16, 1998.

AFFIRMED.