

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

ATTACHMENT L

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No: 19-3723

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La Verne Koenig

Plaintiff - Appellant

v.

Andrew Wheeler, Administrator of United States Environmental Protection Agency; United States Environmental Protection Agency; State of North Dakota; Traill County Water Resource District; Jason Lovas; Andy Neset; Jason Siegert; Gary Thompson; Joel Halvorson; Nettie Johnson, Traill County Water Resource District; Steve Volla, Blanchard Township Board of Supervisors; Jeffrey Henn, Blanchard Township Board of Supervisors; Steve Hilstad, Blanchard Township Board of Supervisors; Traill County Sheriff's Department; Steve Hunt, Traill County Sheriff; Deputy Kelly, Traill County Sheriff's Department; Moore Engineering; Ohnstad Twichell Law Firm; Sean M. Fredricks; Curtis B. Reimer; Stacey Reimer

Defendants - Appellees

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Appeal from U.S. District Court for the District of North Dakota - Fargo  
(3:18-cv-00102-PDW)

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**JUDGMENT**

Before GRUENDER, BENTON, and GRASZ, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a).

Appellant's motion for appointment of counsel is denied as moot.

March 30, 2020

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

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Appellant

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Appellees

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Judge Erickson did not participate in the consideration or decision of this matter.

July 16, 2020

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

La Verne Koenig,	)	
	)	
Plaintiff,	)	<b>ORDER OF DISMISSAL</b>
	)	
vs.	)	
	)	
E. Scott Pruitt, Administrator of United	)	Case No.: 3:18-cv-102
States Environmental Protection Agency;	)	
United States Environmental Protection	)	
Agency; State of North Dakota; Traill	)	
County Water Resource District; Jason	)	
Lovas; Andy Neset; Jason Siegert; Gary	)	
Thompson; Joel Halvorson; Nettie	)	
Johnson, Traill County Water Resource	)	
District; Steve Volla, Blanchard Township	)	
Board of Supervisors; Jeffrey Henn,	)	
Blanchard Township Board of Supervisors;	)	
Steve Hilstad, Blachard Township Board of	)	
Supervisors; Traill County Sheriff's	)	
Department; Steve Hunt, Traill County	)	
Sheriff; Deputy Kelly, Traill County	)	
Sheriff's Department; Moore Engineering;	)	
Ohnstad Twichell Law Firm; Sean M.	)	
Fredricks; Curtis B. Reimer; and Stacey	)	
Reimer,	)	
	)	
Defendants.	)	

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Plaintiff La Verne Koenig, proceeding *pro se*, filed a complaint on May 18, 2018 in the United States District Court for the District of Columbia. Doc. No. 1. The case was transferred to the United States District Court for the District of North Dakota the same day. Doc. No. 3. The summons to be served on the Defendants were distributed to the Plaintiff on May 31, 2018. Doc.

Nos. 10 and 11. To date, no proof of service has been filed by the Plaintiff, and none of the Defendants have appeared.

The Court provided the Plaintiff two opportunities to remedy the procedural service defect (see Doc. Nos. 13 and 15), noting the Plaintiff needed to file the necessary proofs of service or waivers on or before November 15, 2019 or otherwise show cause to avoid dismissal. The Plaintiff has not complied with those Orders, and no proofs of service or waivers satisfying Federal Rule of Civil Procedure 4(m) and (4)(l)(1) have been filed.

As previously noted, it is the Plaintiff's responsibility to serve all defendants "within 90 days after the complaint is filed[,]" and "[u]nless service is waived, proof of service must be made to the court." Fed. R. Civ. P. 4(m) and 4(l)(1). If a defendant is not timely served, the court "must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Id. The Plaintiff has not complied with the Court's Orders and has not shown that the summons and complaint have been properly served on the Defendants as required by the Federal Rules of Civil Procedure.

It is therefore **ORDERED** that the Plaintiff's complaint be dismissed without prejudice for failure to effectuate service.

**IT IS SO ORDERED.**

Dated this 21st day of November, 2019.

/s/ Peter D. Welte  
Peter D. Welte, Chief Judge  
United States District Court

**Additional material  
from this filing is  
available in the  
Clerk's Office.**