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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Victor O. Dema) No. CV-08-2081-PHX-DGC

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Plaintiff,) **ORDER**

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vs.)

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Allied Towing and Auto Sales)
Company,)

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Defendant.)

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On May 1, 2009, the Court issued an order directing Plaintiff to show cause for his failure to serve the summons and complaint within the time limit of Rule 4(m) of the Federal Rules of Civil Procedure. Dkt. #9. Plaintiff has filed a response, stating that he believed the Clerk automatically would issue a summons once he paid the filing fee on March 6, 2009. Dkt. #10.

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The complaint in this matter was filed on November 10, 2008. Dkt. #1. Plaintiff has had ample time to effect service of process, and is not an inexperienced litigant. See Dkt. #5. The Court will provide Plaintiff one more opportunity to complete service of process. Plaintiff shall, pursuant to the Federal Rules of Civil Procedure, serve the summons and complaint on Defendant by **July 10, 2009**. The Court will not extend this service deadline absent truly extraordinary circumstances.

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Plaintiff requests leave of Court to file an amended complaint. Dkt. #10 at 2. Because Plaintiff may file an amended complaint once as a matter of course before a responsive pleading, see Fed. R. Civ. P. 15(a), the Court will deny the request as moot.

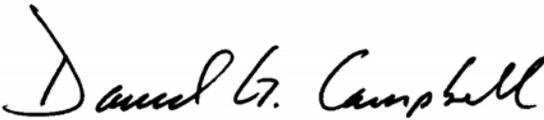
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IT IS ORDERED:

1. Plaintiff has until **July 10, 2009** to effect service of process in this matter. **The Court will not extend this service deadline absent truly extraordinary circumstances.**
2. Plaintiff shall file an appropriate affidavit of service by **July 10, 2009**.
3. The Clerk is directed to **dismiss** this action without prejudice if Plaintiff fails to comply with this order.

DATED this 16th day of June, 2009.



David G. Campbell
United States District Judge