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

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9 Best Western International, Inc., an Arizona  
10 non-profit corporation,

11 Plaintiff,

12 vs.

13 D3M, Inc., a Michigan corporation; and  
14 Manhal Shammami, an individual,

15 Defendants.

No. CV 10-2250-PHX-DGC

**ORDER**

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17 After review of the file, the Court notes that the complaint in this matter was filed  
18 on October 21, 2010 and has not been properly served on the Defendant within the time  
19 required by Rule 4(m), Federal Rules of Civil Procedure.

20 On October 22, 2010, Plaintiff moved for a preliminary injunction. Doc. 7.  
21 Plaintiff has not filed an affidavit of service or otherwise shown that it served the motion  
22 on Defendants as required by Federal Rule of Civil Procedure 5(a). See Doc. 7.  
23 Accordingly, the motion will be denied without prejudice.

**IT IS ORDERED:**

24 1. This matter will be dismissed 14 days from the date of this Order if Plaintiff  
25 fails to show good cause before that date for its failure to serve the summons and  
26 complaint.

27 2. Directing the Clerk of the Court to **terminate** this matter on  
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**March 18, 2011** without further leave of this Court if Plaintiff fails to respond to this Order within the time stated.

3. Plaintiff's motion for a preliminary injunction (Doc. 7) is **denied**.  
Dated this 4th day of March, 2011.



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David G. Campbell  
United States District Judge