

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Case No. 09-cv-01959-PAB-MEH

BRANDON WILLIAMS,

Plaintiff,

v.

GARY KINISTON,
KEN LONG,
WILLIAM HILL, and
JOHN DOES 1 THROUGH 5,

Defendants.

ORDER DISMISSING CASE

This matter is before the Court pursuant to the order to show cause [Docket No. 21] issued on February 28, 2011. The Court ordered plaintiff to show cause why it “should not dismiss this case pursuant to Fed. R. Civ. P. 4(m) for failure to serve or, in the alternative, pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and failure to comply with Court orders.” Docket No. 21 at 2. Plaintiff’s deadline for compliance with the order to show cause was March 7, 2011. To date, plaintiff has neither filed a response nor contacted the Court in any manner.

Plaintiff filed this civil action on August 18, 2009, naming defendants Colorado Department of Transportation, Gary Kiniston, Ken Long, William Hill and John Does 1 through 5 [Docket No. 1]. On October 6, 2009, after an extension of time, the Colorado Department of Transportation filed a motion to dismiss [Docket No. 11] and a motion to stay [Docket No. 12]. Magistrate Judge Michael E. Hegarty stayed the action pending

resolution of the motion to dismiss, ordering the parties to file a status report within five days of the Court's decision on the motion [Docket No. 14]. On May 4, 2010, the Court granted Colorado Department of Transportation's motion to dismiss, dismissing all claims against it [Docket No. 20]. To date, plaintiff has not filed a status report or served the remaining defendants. Pursuant to Fed. R. Civ. P. 4(m), the deadline for service on the remaining defendants has now expired.

Accordingly, it is

ORDERED that plaintiff's complaint [Docket No. 1] is dismissed without prejudice for failure to comply with Fed. R. Civ. P. 4.

DATED March 8, 2011.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge