

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

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STEPHEN C. IVANOVICH	:	3:10 CV 1123 (JBA)
	:	
V.	:	
	:	
IRS	:	DATE: MARCH 12, 2012
	:	
-----X	:	

ORDER

On July 16, 2010, plaintiff filed his pro se Complaint (Dkt. #2), as well as his Motion for Leave to Proceed In Forma Pauperis (Dkt. #1), and this file was referred to this Magistrate Judge five days later. (Dkt. #5). On August 4, 2010, plaintiff's IFP Motion was denied by this Magistrate Judge (Dkt. #7), as to which plaintiff filed an Objection thirteen days later. (Dkt. #9). On July 13, 2011, U.S. District Judge Janet Bond Arterton overruled plaintiff's objection (Dkt #12), and plaintiff paid his filing fee twelve days later, on July 27, 2011.

Plaintiff also had filed a Motion for Preliminary Injunction on July 30, 2010 (Dkt. #6), which was referred to this Magistrate Judge on October 19, 2010. (Dkt. #10). The next day, the motion was denied without prejudice to renew (Dkt. #11), after Judge Arterton ruled upon the then pending objection.

There is no indication in the electronic docket sheet that defendant ever has been served with this lawsuit.

Rule 4(m) of the Federal Rules of Civil Procedure provides in part:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .

Substantially more than 120 days have passed since the filing of the complaint on

July 16, 2010, and substantially more than 120 days have passed since plaintiff paid the filing fee on July 25, 2011. Because plaintiff is pro se, the Court will not, at this time, dismiss the lawsuit, but instead “order that service be made within a specified time.” Therefore, **plaintiff must serve defendant on or before April 9, 2012, or else this lawsuit will be dismissed without prejudice under Rule 4(m).**

Dated at New Haven, Connecticut, this 12th day of March, 2012.

/s/ Joan G. Margolis, USMJ _____
Joan Glazer Margolis
United States Magistrate Judge