

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BERNARD KATZ,

Plaintiff,

v.

WILLIE FELDMAN,

Defendant.

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C.A. No. 18-213 (MN)

MEMORANDUM ORDER

At Wilmington this 6th day of December, 2018;

WHEREAS, on June 6, 2018, the Court granted Plaintiff's motion to file a Third Amended Complaint (D.I. 10);

WHEREAS, Plaintiff has not submitted to the Court any evidence that the Third Amended Complaint was properly served on Defendant Willie Feldman;

WHEREAS, Mr. Feldman, in a response to an earlier Amended Complaint, raised defenses including insufficiency of service of process, pursuant to Fed. R. Civ. P. 4(c) (D.I. 7);

WHEREAS, on October 29, 2018, the Court ordered Plaintiff to show cause why claims against Mr. Feldman should not be dismissed for failure to prosecute (D.I. 12);


WHEREAS, on November 6, 2018, Plaintiff filed a motion to "reopen the case" and asked the Court to "rescind" the October 29, 2018 Order and reopen the case (D.I. 13);

WHEREAS, on November 15, 2018, the Court denied Plaintiff's motion as moot, and reminded Plaintiff that a response to the October 29, 2018 Order to Show Cause was due on or before November 30, 2018 (D.I. 14);

WHEREAS, Plaintiff failed to respond to the October 29, 2018 Order; and

WHEREAS, Mr. Feldman has not responded to the Third Amended Complaint.

THEREFORE, IT IS HEREBY ORDERED this 6th day of December 2018 that, on or before January 4, 2019, Plaintiff shall provide the Court with proof of service of the Third Amended Complaint on Mr. Feldman in accordance with Fed. R. Civ. P. 4(c). If Plaintiff fails to submit such evidence, the Court will dismiss this action for failure to prosecute.



The Honorable Maryellen Noreika
United States District Judge