

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

STEVEN BRAY,

Plaintiff,

v.

CASE NO. 2:12-cv-282-FtM-99SPC

**PAETEC COMMUNICATIONS, INC.,
WINDSTREAM COMMUNICATIONS, INC.,**

Defendants.

ORDER

This matter comes before the Court on Plaintiff Steven Bray's Motion for Extension of Time to Serve the Complaint (Doc. #8). Plaintiff's Complaint (Doc. #1) was filed with the Court on May 21, 2012, and he requests an extension of sixty (60) days to serve the Complaint upon the Defendant. The Federal Rules of Civil Procedure read in pertinent 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.

Fed. R. Civ. P. 4(m).

After receiving a "Notice of Right to Sue" from the U.S. Equal Employment Opportunity Commission, the Plaintiff filed his workplace discrimination suit on May 21, 2012. However, the Plaintiff delayed service because he was actively pursuing the possibility of settlement negotiations with the Defendant. As it recently became apparent that settlement discussions are an unlikely possibility, the Plaintiff requests an extension of time to serve the Defendant with the

Complaint. Due to the length of time already used by the Plaintiff in settlement negotiations, the Court finds sixty (60) days to be excessive, but will allow thirty (30) days to effect service. The Court, finding good cause, will permit an extension of thirty (30) days.

Accordingly, it is now

ORDERED:

Plaintiff Steven Bray's Motion for Extension of Time to Serve the Complaint (Doc. #8) is **GRANTED**. The Plaintiff is granted an extension of thirty (30) days to serve the Complaint upon the Defendant. Service must be completed on or before **October 25, 2012**.

DONE and **ORDERED** at Fort Myers, Florida, this 24th day of September, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record