

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RANDY SELLERS and LEONA
SELLERS,

Plaintiffs,

v.

Case No: 2:13-cv-615-FtM-38DNF

AMERICAN RECOVERY
SPECIALISTS OF FLORIDA, INC.
and RONALD M. KEYS,

Defendants.

ORDER¹

This matter comes before the Court on the Court's Order to Show Cause ([Doc. #6](#)) filed on March 6, 2014. On March 6, 2014, the Court directed Plaintiffs, Randy and Leona Sellers to show cause in writing why the Defendants had not been timely served with the summons and complaint in accord with the Federal Rules of Civil Procedure. As explained in the Court's Order to Show Cause, the Plaintiffs had 120 days to effectuate service on the Defendants after their Complaint was filed with the Court. [Fed. R. Civ. P. 4\(m\)](#). The Complaint was filed on August 22, 2013, and no service had been effectuated on the Defendants by the time the 120 deadline expired.

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The Plaintiffs were warned that failure to effect service within 120 days would mandate that their case be dismissed. [Steinberg v. Barclay's Nominees \(Branches\) Ltd., 2008 WL 4500395, *2 \(S.D. Fla. September 30, 2008\)](#) (citing Fed. R. Civ. P. 4(m)). The Plaintiffs were given up to and including March 17, 2014, to answer the Court's Order to Show Cause. To date the Plaintiffs have failed to respond to the Order to Show Cause or to effect service on the Defendants. Therefore, the Plaintiff's Complaint is due to be dismissed and the case closed.

Accordingly, it is now

ORDERED:

The Plaintiffs' Complaint ([Doc. #1](#)) is hereby **DISMISSED**. The Clerk of the Court is directed to enter judgment accordingly, terminate any pending motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 1st day of April, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record