

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

OLGA RODRIGUEZ,

Plaintiff,

v.

Case No: 2:15-cv-50-FtM-38CM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

Before the Court is Plaintiff's Response to Order to Show Cause and Motion to Extend the Deadline for Returning Service Documents to the Clerk of the Court (Doc. 11), filed on March 16, 2015. On February 3, 2015, the Court granted Plaintiff's Motion to Proceed *In Forma Pauperis* and directed Plaintiff to prepare and forward to the Clerk completed service documents within thirty (30) days for service by the United States Marshal. Doc. 8. When completed service documents were not received by the Clerk of Court within the time permitted, the Court entered an Order to Show Cause on March 13, 2015 directing Plaintiff to show cause in writing on or before March 20, 2015 why the service documents were not returned within the time permitted, and why the case should not be dismissed for failure to prosecute. Doc. 10.

Plaintiff's response asserts that the documents were not timely filed due to a failure to calendar the deadline, as set forth in the Affidavit of Plaintiff's counsel's paralegal. *See* Doc. 11 at 3. Plaintiff requests that the court find the timely return

of the completed service documents was due to excusable neglect, and grant an extension of the documents *nunc pro tunc*. Plaintiff's response also states that the documents promptly were completed and returned to the Clerk for service, as previously directed by the Court. Upon review of Plaintiff's Response, the Court finds that Plaintiff's failure to return completed service documents within the time permitted is due to excusable neglect, and will extend the deadline for returning the completed documents to the Clerk of Court.

ACCORDINGLY, it is hereby

ORDERED:

1. The Court will take **no further action** on the Order to Show Cause (Doc. 10).

2. Plaintiff's Motion to Extend the Deadline for Returning Service Documents (Doc. 11) is **GRANTED**. If Plaintiff has not already done so, she is directed to deliver completed service documents to the Clerk of Court on or before **March 20, 2015**.

DONE and **ORDERED** in Fort Myers, Florida on this 17th day of March, 2015.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record