

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ANDRE JOHNSON, et al.,

Plaintiffs,

v.

CASE NO: 8:10-cv-990-T-33AEP

JONATHAN SMITH MORTIMER,
et al.,

Defendants.

_____ /

ORDER

This cause comes before the Court sua sponte. Plaintiffs Andre Johnson and True Fiends Entertainment filed this copyright infringement action against Defendants Jonathan Smith Mortimer, T.V.T. Records, and BME on April 26, 2010. (Doc. # 1). Mr. Johnson is currently incarcerated and proceeding pro se. (See Doc. # 1). By the Complaint, Mr. Johnson alleges that hip hop music producer Jonathan Smith Mortimer, also known as "Lil Jon," received musical material from Mr. Johnson during 2004 through the United States Postal Service. (Doc. # 1 at 8). Mr. Johnson submits that Mr. Mortimer took the instrumental music and concept from Mr. Johnson's album without his permission and incorporated it into one of Mr. Mortimer's albums. (Doc. # 1 at 9).

Mr. Johnson filed an Amended Complaint on May 25, 2010, (Doc. # 6), and was granted leave to proceed in forma pauperis

on May 26, 2010. (Doc. # 7). On October 6, 2010, the Court directed Mr. Johnson to show cause why this matter should not be dismissed for failure to perfect service of process on the Defendants. (Doc. # 14). In his Response dated October 19, 2010, Mr. Johnson explained that the Defendants had moved, and he requested an extension of time in order to locate the Defendants and resubmit his summonses to the Clerk. (Doc. # 15 at 2).

On December 8, 2010, the Court granted Mr. Johnson's motion for extension of time and directed Mr. Johnson to provide the Clerk, on or before December 28, 2010, with summonses containing the correct addresses for the Defendants. (Doc. # 16). The Court granted Mr. Johnson a second extension of time on December 30, 2010, up to and including February 11, 2011, to provide the Clerk with summonses including the correct addresses for the Defendants. (Doc. # 17).

The docket reflects that summonses as to Jonathan Smith Mortimer and B.M.E. Enterprises, along with U.S. Marshals forms, were received from Mr. Johnson and the summonses were issued on January 3, 2011. (Doc. # 18). However, on February 9, 2011, the summonses as to both Jonathan Smith Mortimer and B.M.E. Enterprises were returned unexecuted for lack of correct addresses. (Docs. ## 19, 20).

This Court has reviewed the pertinent portions of the record and is otherwise fully advised in the premises. In order to ensure that Mr. Johnson has ample time and opportunity to locate the Defendants and provide the Clerk with correct addresses, the Court has already granted him extensions of time up to and including February 11, 2011, or one hundred and seventy one days past the Federal Rule of Civil Procedure 4(m) deadline. However, to allow Mr. Johnson every possible opportunity to pursue his claims, the Court grants Mr. Johnson an additional forty-five day extension, up to and including March 28, 2011, to perfect service on the Defendants.


These forms, listed as Summons/Civil, can be found at the Forms, Policies, and Publications section, Civil subsection, of this Court's website at <http://flmd.uscourts.gov>. Mr. Johnson may also obtain the forms by contacting the Clerk's Office at 813-301-5400. If Mr. Johnson is unable to perfect service on the Defendants by March 28, 2011, the Court will have little choice but to dismiss this matter.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

The Court grants Andre Johnson an additional forty-five day extension, up to and including March 28, 2011, to perfect service on the Defendants.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 10th
day of February, 2011.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Parties of Record